

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY, GEORGIA, HELD ON FRIDAY, NOVEMBER 20, 2009, IN THE COMMISSION MEETING ROOM ON THE SECOND FLOOR OF THE CHATHAM COUNTY COURTHOUSE, LEGISLATIVE AND ADMINISTRATIVE BUILDING, 124 BULL STREET, SAVANNAH, GEORGIA.**

**I. CALL TO ORDER**

Chairman Pete Liakakis called the meeting to order at 9:39 a.m., Friday, November 20, 2009.

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**II. INVOCATION**

At the request of Commissioner Harris Odell, Jr., Reverend Timothy Sheppard gave the Invocation.

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**III. PLEDGE OF ALLEGIANCE**

Commissioner Priscilla D. Thomas led the Pledge of Allegiance to the Flag of the United States of America.

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**IV. ROLL CALL**

The Clerk called the roll.

Present:           Pete Liakakis, Chairman  
                  Dr. Priscilla D. Thomas, Vice Chairman, District Eight  
                  B. Dean Kicklighter, Chairman Pro Tem, District Seven  
                  Helen L. Stone, District One  
                  James J. Holmes, District Two  
                  Patrick Shay, District Three  
                  Patrick K. Farrell, District Four  
                  Harris Odell, Jr., District Five  
                  David M. Gellatly, District Six

Also present:     R. E. Abolt, County Manager  
                  Jonathan Hart, County Attorney  
                  Sybil E. Tillman, County Clerk

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**V. PROCLAMATIONS AND SPECIAL PRESENTATIONS**

**1. PROCLAMATION FOR HOWARD COHEN**

Chairman Liakakis said, this proclamation is to recognize an outstanding citizen of our community, a proclamation for Howard Cohen. I ask him to come up to the podium and anyone that he has brought with him.

Chairman Liakakis read the following proclamation into the record:



**WHEREAS**, Chatham County is privileged to have among its citizenry individuals that are so successful that they helped put Savannah, Chatham County, Georgia on the map, and today we honor such a citizen, Howard Kenneth Cohen; and

**WHEREAS**, Howard Cohen is known as “The Father of Savannah Weightlifting” and pioneer of health and fitness training. He started Savannah Barbell in 1955 and cofounded Team Savannah with his son Michael, in 1986; and

**WHEREAS**, this retired educator taught in the Savannah-Chatham County Public School system for thirty years and has many great accomplishments under his belt including his induction in the Greater Savannah Hall of Fame, USA Weightlifting Hall of Fame, USA Masters Hall of Fame, Benedictine Hall of Fame, and the International Masters Weightlifting Hall of Fame as both athlete and contributor; and

**WHEREAS**, Howard Cohen has developed numerous world team and USA Olympic team members and worked closely with Paul Anderson to first develop the idea of a weightlifting training center in Chatham County for the youth of the community. This idea became a reality in 1995 with the completion of the Paul Anderson/Howard Cohen Weightlifting Center; and

**WHEREAS**, he won the Mr. America Body Building Championships and Mr. Georgia. He is a National Weightlifting Champion and President of the USA Masters Weightlifting Federation. Howard Cohen holds the highest USA Weightlifting Champions coaching certification, Senior International.

**NOW, THEREFORE**, I, Pete Liakakis, Chairman, on behalf of the Chatham County Board of Commissioners, do hereby proclaim Friday, November 20, 2009 as:

**HOWARD COHEN DAY**

in Chatham County in recognition of his many accomplishments and being a key player in bringing recognition to our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of Chatham County, Georgia to be affixed this the 20<sup>th</sup> day of November 2009.

\_\_\_\_\_  
Pete Liakakis, Chairman

ATTEST:

\_\_\_\_\_  
Patrick K. Farrell, Commissioner  
District 4

Chairman Liakakis said, Howard [Cohen], before I present this to you, I know many things that you have done in our community, not only with athletes that are interested in weightlifting, but how you have put many health programs together, what you have done helped put Savannah on the map with all of your accomplishments and all, and also we can see many senior citizens still come for that master’s training at your gym that you still have and, of course, your son is following in your footsteps and, of course, your wife also that has helped you in this endeavor. But you have made a big difference in our community helping the young people and the adults and senior citizens, and this is terrific that you have done that. We really appreciate it because I’ve heard a number of people say, well, you know, I’m still going to the gym or I’m still healthy because of Howard Cohen and the things that he has done these many years. I think it’s about 54 years that you’ve been doing that in our area. That’s terrific, and again on behalf of the Chatham County Commission, I would like to present this to you and recognize you and your family. Also, I would like for you to come up and speak at the podium. Go ahead.

Mr. Cohen said, I'm not used to this. I really appreciate Mr. Liakakis and the Commissioners giving me this honor. As Pete [Liakakis] says, I've been in the game a long time. Actually, it's 57 years that I've had it. I started it in 1952 over where the old Morning News Building was in 1952 and been going. I've touched a lot of people. It's been very rewarding to me. I've had a real nice run, I've enjoyed it. I was able to compete and travel all over the world, places I never thought I would go and returned several times. I just came back from a trip to Australia for the World Master Games, the largest competition that's ever been held, 29,000 competitors that were there in all sports, and I'm happy to say that I was able to win the gold for the fifth time. I'm still competing and I'm still coaching and my interest and love for the sport has not diminished. I've had a lot of rewards and honors that I've gotten. About the best that I can remember is in 1955 [sic] when the County Commissioners decided that they were going to start what's called the Olympic Legacy, and they booked and opened up the facility which is named for my good friend Paul Anderson and myself, and my son Michael [Cohen] is Executive Director there, and that facility was able to make me know that my interest in weightlifting was going to be here for a long time, and of course Michael [Cohen] is excellent. The fathers are not nearly as good as the sons, and they go further [sic], and he was able to bring to Savannah several Olympians that was unheard of to have numerous Olympians in Savannah, and he was able to do that and he hasn't stopped. He's still working with young kids over there and I work with them, too. In fact, Michael's son, his oldest son I trained and worked with him, and it's as rewarding now as it was in 1952 working out. Anyways, I appreciate your interest in the sport of weightlifting, and to honor me is a real honor. I want to thank you very much. As Pete [Liakakis] mentioned, you're not in this game alone. Without a wonderful wife at home to stand behind me and work with me, it couldn't be done and, of course, my son Michael [Cohen] is anything you could hope for in a son, and my daughter-in-law is here, Cheryl [phonetic], is a big help. She's also an athlete and works with us, and the whole family has worked together to make it possible. Thank you very much.

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**VI. CHAIRMAN'S ITEMS**

None.

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**VII. COMMISSIONERS' ITEMS**

**1. COMMENTS FROM MR. LARRY PEARSON, BERWICK LAKES (COMMISSIONER KICKLIGHTER).**

Chairman Liakakis said, next on the agenda we have comments from Mr. Larry Pearson, if he still wants to speak today.

Commissioner Kicklighter said, Mr. Chairman, I'd like to remove that item from the agenda please.

Chairman Liakakis said, okay. We need a motion on the floor to remove that item. Commissioner Kicklighter said, so moved. Commissioner Farrell said, second. Chairman Liakakis said, all in favor go on the board. The motion carried unanimously.

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**2. OUTSTANDING CITIZEN AWARD FOR DERECK WILLIAMS AND MARK MCDUGALD (COMMISSIONER STONE AND COMMISSIONER SHAY).**

Chairman Liakakis said, said Commissioner Stone and Commissioner Shay will be presenting those two Citizens Awards. We do appreciate their coming today, and Helen [Stone] if you will start the presentation.

Commissioner Stone said, Mr. Chairman, I really appreciate you giving me the opportunity to speak on this today and to acknowledge these two gentlemen, who were outstanding citizens in respect to helping apprehend an individual who held a young lady at gunpoint in the Civic Center parking lot in the broad daylight, and I strongly feel that if we fail to appreciate and acknowledge people for stepping up and assisting with the heinous things that go on in our community, then we've lost something. We've lost the value of acknowledging the people that are willing to make the sacrifices. So this was very important today to me and I know to this Commission and I know to you, Mr. Chairman. You've been working on this as well. So I'll start. Dereck [Williams], if you'll come forward please, and I'm going to read this Certificate of Outstanding Citizenship to you:

Presented to Dereck Williams in recognition of bravery shown in assisting in the apprehension of a criminal in the act of committing a crime, we salute you for displaying heroic attributes by aiding a citizen in distress and by offering assistance to the Savannah-Chatham Metropolitan Police Department to help make our streets safer for all citizens. Presented this 20<sup>th</sup> day of November, 200, and signed by Chairman Pete Liakakis.

Mr. Williams said, I want to thank y'all for giving me this award. Basically it wasn't nothing to it. I just thought it could have been anybody. It could have been your mother, my sister, my aunt, anybody, so I was just looking at it as I really — for me to do something because I was coming out from the job there, getting back into my car, and I see a robbery in progress, and I just wanted to help her at the time because there wasn't nobody there and she was so scared. I'm nervous. I've never been up here before. This is my first time.

Commissioner Thomas said, you're doing good. Thank you, we thank you, Dereck [Williams]. Great job.

Chairman Liakakis said, on behalf of the Chatham County Commission, not only do we want to award you with that particular certificate and all, but we thank you very much because you help, you know, probably stopped a lot of other crimes because this particular individual had been involved in other crimes before and has been in jail, but thank you again because that individual is off the street right now. Mr. Williams said, yes sir. Thank y'all.

Commissioner Farrell said, thank you.

Commissioner Shay said, Mr. Chairman, as you might imagine, I'm not afraid of public speaking, but I think I would be afraid to do what these gentlemen did to protect a citizen. This is a Certificate of Outstanding Citizenship presented to Mark McDougald in recognition of bravery shown in assisting in the apprehension of a criminal in the act of committing a crime. We salute you for displaying heroic attributes by aiding a citizen in distress and offering assistance to the Savannah-Chatham County Metropolitan Police Department to help make our streets safer for all citizens. And it's presented this 20<sup>th</sup> day of November, 2009, and signed by Pete Liakakis, our Chairman. Mark [McDougald] would like to come forward and acknowledge receipt of this. I'm not sure he wants to speak publicly. He's not afraid of criminals, but may not want to speak.

Mr. McDougald said, I'd just like to say I think we need to really take a better look at some of these guys getting out early and some of these — just we really need to take a strong look at that. And I'd like to say we've got one heck of a police department because they did an awesome job.

Chairman Liakakis said, well, Mark [McDougald], thank you again. We appreciate your participation in that because you and Dereck [Williams] headed towards that individual who was trying to take that victim and force her into a car, and there could have been some really serious things that might have happened to the lady that was trying to be forced into that automobile. So again, thank you, Dereck [Williams] and Mark [McDougald], for your alertness and your participation.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, Mr. Chairman, is there any way that we can have these two young men, have pictures taken of them. We publish a quarterly newsletter — not just during elections year, we do it every year —, and I'd like for all of our citizens to see them and their heroic efforts. We could even change the format on our quarterly thing and highlight these two. What do you think about that, Commissioner Stone?

Chairman Liakakis said, very good. Commissioner Farrell said, all good. Chairman Liakakis said, Jerrall [McRell], see — you can mention he's on the — taking care of our videoing right now, but at some point we'd like for him to take pictures of both Dereck [Williams] and Mark [McDougald], you know, so that we could have that whenever he's available to do it. Thank you.

County Manager Abolt said, Mr. Chairman, I'm going to follow up but remember also with your leadership, the Board's leadership back on that wall to your left we'll have the gentlemen's name inscribed on that plaque, too.

Chairman Liakakis said, very good. Chief?

Interim Chief Willie Lovett said, thank you, Mr. Chairman, Commissioners. As a Police Chief, it's almost unheard of for us to consider what has happened. One of the things that you hear in the police world is that no police department will be successful without the collaboration and cooperation of its citizens, and what these two young men did is extraordinary and true to the worth for if they had not been there, there's no telling what might have happened. We understand what the background of this young man is and there's others out there equally as bad. So what I'm saying right now is that collaboration between the citizens and the police department is bridging that gap, and with the cooperation of people like we have, in the very near future I think we're going to get to a point where we're going to get a handle on this. And again, I'm extremely grateful for the two young men and what they did.

Chairman Liakakis said, thank you very much, Chief.

Ms. Linda Reese [phonetic] said, my name is Linda Reese. I represent the family. I am the aunt of the victim. She's a little bit nervous to come up here, but we are very thankful to Dereck [Williams] and very thankful to Mark [McDougald], but Dereck most of all for him taking and observing what was taking place around him because if Dereck wouldn't have put that extra step where some of us might have been scared to do what he did, that this guy would have went free, and one of the reasons I came up here today is I have been on the phone with ever senator you can imagine from here to Macon, every representative, even all you councilmen. One of the things that we need to look at in our correctional system is before they take and they let someone out, they need to investigate. This guy was not supposed to be in that program and they need to get on the ball. I've been on the phone with Pardons and Parole. They let me know they dropped the ball here. So, all of y'all, y'all are the voices. I can get on the phone, I can call and everybody else. Dereck [Williams] can go out on a limb. I mean look at Dereck versus this big guy that he chased. Y'all have got to make sure this doesn't happen again. You already have one that happened downtown Savannah, you have one that happened Sunday, Savannah Suites. Think about the dollars that comes in here, okay. That lady that got robbed at Savannah Suites with God help it that she was not from another state because it's going to look bad on Georgia, and that's all I've got to say.

Chairman Liakakis said, well, let me respond to you. As soon as I found out about that, immediately I talked to the warden of the local correction institution, the State institution here, who is in charge of that. I went over a number of things, concern about it. He did talk to me for a long period of time. I've also talked to some legislators and we talked about this in our pre-meeting before we came out here, and we will be doing additional things and have the corrections people hopefully down here in Savannah, and we are going to make quite a number of concerns known to those people that they have to turn it around, also with the legislators too. So thank you for your involvement.

Ms. Reese said, thank you. I thank y'all for listening.

Ms. Robinson said, hi. My name is Scheherazade Robinson [phonetic]. I'm here on behalf of Dereck Williams. I'm his mom. I just wanted to say a few things for him because he froze up. He's a very, very kind-hearted person. He would help anybody. He's a hard worker, he's dedicated. He's a very sweet child. He's never been in any trouble. He was just out looking for a second job and he seen the opportunity — not an opportunity — he seen, you know, what was going on and he's one that he don't really think about it. He's going to go and he's going to do it, and that's what he did. He didn't think about the gun that, you know, that the guy had or anything. He just thought about helping this woman. Just like he said, it could have been me, it could have been his sister, it could have been anybody, and he just wanted to help and that's what he did. He didn't even expect it to be this big, and I just want to appreciate everybody for acknowledging that. Thank you.

Chairman Liakakis said, thank you very much. Go ahead, Patrick [Farrell].

Commissioner Farrell said, I would certainly hope that our Chief of Police would — heard that he's looking for a second job and perhaps would look into a little recruitment here. I think we've got an A-1 possibility for a recruit.

Commissioner Thomas said, Mr. Chairman. Chairman Liakakis said, yes. Commissioner Thomas said, I, too, want to say thanks to Helen [Stone] and to Dereck [Williams] and the other young man, and especially to his mother. You've done a real good job with Dereck. It goes to show that every young male or woman is not incarcerated and that there — every young male or woman is not out there looking to rob somebody. So this is something that is wonderful. I applaud you for doing that, but protect yourself next time, you know, because sometimes, you know, the thinking, the quick thinking, and I can understand the feeling because hopefully in the future the person that pulled the gun on my husband is still out there and that's been over a year and a half ago or more, and I'm not stopping until we get that person, too, and I have mentioned this over and over. My husband, he has nightmares sometimes about this, and that's not a good feeling. So thank you so very much. We appreciate all of the things that our citizens are doing. Thank you.

Commissioner Stone said, Mr. Chairman, I would like to follow up with what was stated in the pre-meeting this morning about taking Helen Bradley's advice and having Pardons and Paroles come back to this area to host what they do around the Atlanta area, which is a public hearing for anyone's victims and their families to be able to speak about these individuals so that they do not slip through the cracks and they do not end in our — end up in our transitional centers. It's pretty scary when you think that when these people get out for parole, there should be paperwork that goes with them to the transitional center that would indicate whether this person is a safe individual to be in a transitional center or whether they're not, and I don't know where the breakdown occurred, but I think that as Commissioner Odell said, we're fighting a ware on crime and we don't have the necessary funds or equipment to do it, and I think that it needs to start at the top with Pardons and Parole and taking a closer look at the individuals that they're willing to release back into our communities. Thank you.

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### **3. EXPLAINING LANSING AVENUE (COMMISSIONER SHAY).**

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, I appreciate it. I'll try and be brief, but in my tenure as a County Commissioner, which the first time around began in 1992, I've been asked repeatedly by people who live on Lansing Avenue to try and find ways to reduce the intensity and the speed of traffic on their narrow residential street. The problem is, and this is not unique to Lansing Avenue but it seems to be the one that was first brought to my attention and most repeatedly brought to my attention, the problem is that people that are headed south on Skidaway Road know that if they are ultimately going to be headed west on Norwood Drive that they can take a shortcut and use Lansing Avenue and some of the parallel streets to save a little time in being able to get across town. The challenge then is that those folks, if they're using a shortcut to save time, also tend to travel at a high rate of speed.

We've tried in the past a number of different things. Enhanced enforcement — people will slow down for, you know, a few weeks while they know the police are out there actively giving out tickets, but just almost as quickly they figure out when the police force is no longer patrolling that area and go back to the old habits that they had. In an effort to try something new, about two months ago I had a meeting with then-acting County Manager Pat Monahan and representatives from the Police Department, including Commander Lovett, our Public Works Department, our Engineering Department and some of the residents from that area, and said, you know, we have come forward with a bunch of ideas that we think would work but those are all being overruled. We can't put up stop signs where they are not warranted, we can't apparently put up speed bumps without running the risk of damaging people's cars and, therefore, incurring law suits, and what we decided to do was to try at the end of Lansing Avenue there's a short segment of street that connects it through, to try barricading that section so that people would no longer be able to go through and went through a process of trying to determine if that was going to be a threat to public safety. After determining that it wouldn't be, the barricades were erected in a temporary fashion and we tried the experiment and it failed.

There are many more people who would like to see the ability to cut through on that street than there are people that would like to see it stopped, and they have inundated me with phone calls, and I think also the officer is here. Frankly, I've had more phone calls on this one issue than I have any issue that I've faced as a Commissioner since 1992. There are some residents here from the area who have circulated a petition asking that the barricades be removed. I've spoken with them. They do know that the barricades were removed yesterday, and so there will be ability to travel down that street.

One of the things that happened was that folks searched for other shortcuts and started using other people's streets as a way to cut off the corner there, traveling at that same high rate of speed, and all we did was transfer the public safety challenge from one area to the other.

I'm not giving up. There are ways that we can improve this condition. Clearly, the way that I agreed to was not the answer, and I apologize to those people that were inconvenienced or who felt ambushed by the fact that those barricades showed up. They were temporary for a reason. We were trying it out seeing if it worked, and clearly there are more people that want that street to be opened than want it to be closed. But we do have an ongoing problem here in that the streets in that area were built long before they became urbanized. They don't have sidewalks, they don't have curbs, they don't have piped drainage, and so there are a number of reasons why they've become, in essence, attractive hazards, and when we have a system that sort of says that it's equally fair game for a six-year-old to try and figure out how to navigate a public right-of-way with a 6,000-pound truck traveling at a high rate of speed, it's not really a very fair comparison. A lot of the reasons why we can't do the things that I think are being done in some other communities is book somewhere there's an Ashtoe Manual, and that manual is something that is used as a bit of a Bible by traffic engineers and by our own Engineering Department. They didn't write it, but it's out there in the world and apparently the secrets to what you can and can't do on a little residential street that's being used as if it were a major arterial, are locked inside that book. So one of the things that I would like to commit to the people that have been impacted by this for better or for worse is, you know, I'd like to ask that the staff furnish me with a copy of this Bible, and I would like to read it. It may take me a while. I'm still working on the Old Testament and New Testament version, but I'll go to work on the Ashtoe Bible and read that and see if we can't find ways to be creative inside the rules to slow down the traffic that goes through there and just try and level that playing field a little bit so that that six-year-old child and that 6,000-pound vehicle are able to navigate both in that same area safely.

So I'd like to thank the people that came here today. It's not an item for the agenda. We're not going to be voting on anything. I appreciate your citizenship. Your willingness to become involved is going to be a big part of helping us to find what the solutions are in this neighborhood and in other neighborhoods. So thank you very much.

Chairman Liakakis said, Chief, a question. Do you have one of those self-contained, extra self-contained speed where the people as they drive through and show their speed? Chief Lovett said, at our last meeting we made plans to put out some stop signs that will tell them their speed through their. Chairman Liakakis said, okay, very good. Alright, thank you.

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## **CHATHAM COUNTY YOUTH COMMISSION**

Chairman Liakakis said, before we go to our next item, I'd like to acknowledge two of our County Youth Commissioners. The first one is Alexis Brisbon, and she is representing St. Vincent's Academy. We're glad to have you here, Alexis. And, of course, on her left is Chris Cooley, who represents Savannah Christian School. Glad to have you here also, Chris. Thank you.

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## **VIII. TABLED/RECONSIDERED ITEMS**

Unless action is contemplated at today's meeting, staff report and file material has not been duplicated in your agenda packet. The files are available from the Clerk. Those on which staff is requesting action are indicated by asterisk (*).
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- 1. REQUEST BOARD APPROVAL OF AN AGREEMENT WITH CHAIN BASEBALL TO MANAGE THE JIM GOLDEN COMPLEX AT SCOTT STELL COMMUNITY PARK AS A PILOT PROJECT TOWARD MANAGING ALL OF THE PARK IN THE FUTURE. Item was tabled at the August 28, 2009, meeting. (See memo from Commissioner Holmes). Note: Item was untabled at meeting of October 16, 2009, and then retabled.**

Commissioner Kicklighter said, motion to take it off the table. Chairman Liakakis asked, you want — what's your motion? Commissioner Kicklighter said, motion to remove it to discuss it, remove it from the table and discuss it. Commissioner Farrell said, second.

Chairman Liakakis said, we have a motion on the floor and a second to take it off the table. Let's go on the board. Chairman Liakakis and Commissioners Stone, Shay, Farrell, Odell, Gellatly and Kicklighter voted in favor of the motion.

Commissioner Holmes voted in opposition. The motion carried by a vote of eight to one. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, okay, Request Board approval of an agreement with Chain Baseball to manage the Jim Golden Complex at Scott Stell Community Park as a pilot project toward managing all of the park in the future. The item was tabled at the August 28, 2009, meeting and now that we have untabled it, Commissioner Kicklighter will discuss it.

Commissioner Kicklighter said, thank you, Mr. Chairman. I'll make this brief. I wrote it down. I'll make it as brief as possible. Basically, I want to discuss at this point the current Chatham County contracts for services and various partnerships that we have. Chain Sports Management and Scott Stell Park. One thing we've had here to briefly discuss is we have a proposal in front of us that I believe is an unbelievable proposal as far as it's a win/win situation. It's a public/private partnership proposal, and I guess it's been laying on the table for a while now out of concerns about, you know, various things — whether or not we're stepping on new ground or moving ahead in a different direction than we need to be, and specifically Commissioner Holmes actually issued a letter with his concerns, and I'd like to address those at this point.

Under main issues and concerns, he asked the question are we franchising this out. The answer is very simple: yes, we are. You look at dictionary.com, it's a privilege of a public nature conferred on an individual group or company by a government, a franchise to operate a bus system. Very similar to what we do with Chatham Area Transit. It's franchised out.

Chain Sports Management, concern number two from Commissioner Holmes, he — and a great concern — would there be a loss of jobs for County employees? The answer is very simple again: no, absolutely not. No loss of jobs. The on-site employee that's currently there at Scott Stell Park will remain on site, and the Public Works Department will continue mowing the park, et cetera, with the way it's currently worded. Eventually, it's my hope, and we actually were able to get Chain to agree that in the future they'll provide all maintenance for the park there at no cost to Chatham County. And when we hit that point, it will do nothing but free up man hours for the Public Works Department to do other more essential duties, such as better ditch maintenance, digging, spraying and mowing, better right-of-way maintenance as far as, I know out in my district and Commissioner Gellatly's district, we get phone calls where citizens can't pull out into the highway because the grass is so high in the center. So this will free up man hours for our Public Works Department in the future to actually do more essential government functions, which is actually when you look at it that way it's protecting the safety of the citizens' welfare, keeping them from flooding and also safety on our streets.

Number three, his question, his main issue and concern, has Chain Sports talked with Pooler about using their new facility, and my answer, although written out now I see what's really bold. To clarify that, I care about the question and the concern, but I don't care to know nor do I believe that we need to know whether or not Chain Sports contacted the City of Pooler because we worked this amazing deal for Chatham County, the government that we're responsible for as far as taxes and providing services. So, you know, if not, I would encourage them to contact the city, one of the cities that we have in the County and offer them this great deal because it's — I don't believe anyone would pass it up.

Concern number four, main issues and concern. The Chain — it was more of a concern here, not a question or a main issue, I guess. "The Chain Baseball Academy is an exclusive baseball school." Well, yes, but written and quoted like that, it takes it out of context of sorts because they simply hold try-outs for their program in which the private partnership would utilize to make revenues that would help pay for them to actually provide free recreation for our children and free maintenance for our bills. Chain Baseball does nothing different than the selection process of all-star teams utilized throughout the United States. Note some scholarships are provided if families can't afford to pay for the advance program. It's in their benefit if they have a star out there somewhere to get them in the school because that's great advertisement. So, yes, they will actually provide a scholarship or whatever, scholarships, you know, to children that can't afford that service.

Commissioner Odell said, let me ask you — will you yield to a question or do you want to — Commissioner Kicklighter said, can't I finish where I can keep my promise and be remotely fast and then answer? Commissioner Odell said, yes sir.

Commissioner Kicklighter said, thank you. In addition, what they're going to do for Chatham County, for us, for our taxpayers and our children at no cost to anyone is they're going to provide little league baseball. Eventually they're adding Tee ball, softball and baseball will actually be offered to all children the same as other recreation programs throughout the USA, very much like the rec programs in every city we have in Chatham County and the surrounding counties and like the unincorporated area programs in general. The difference is this particular deal is free to the taxpayers. It's a win/win situation.

Issue number five: The Chain Baseball age group is 8 to 18. That was the statement. I assume that to be true; however, phased in next year Tee ball, football, and then I believe the following year softball. So that will reduce, that will put the ages just like every other recreation program anywhere that you can find. Again, at no cost to anyone in this County, but at a great benefit to the children of west and southwest Chatham County and the central unincorporated areas of Chatham County because currently the only organized recreational programs we offer is on the Islands, and yet we've got the fastest growing area around with no organized programs, and we've discovered a free way to provide this.

Issue number six: Are we, the government, getting out of the business of managing public facilities which we build, fund and ensure remain open for public use and enjoyment? The answer is very simple and really didn't take long to come up with. Public, private and/or public partnerships and/or contracts are not new to this County. I'm not nor was Pat Monahan when he diligently worked on this trying to recreate the wheel here. I'm just simply trying to improve something at a lower cost for our taxpaying citizens.

Henderson Golf Club, public/private partnership. Chatham County leases to CGL Savannah. Prior to 2007 the agreement was very similar to the Chain proposal.

Chatham Area Transit, public/private partnership, Chatham County funding management contract with Veolia. Board comprised of Commissioners and appointees.

Live Oak Public Libraries, serving Chatham, Effingham and Liberty Counties, public/public partnership. Chatham County funds. It's ran by a board appointed by the three counties.

Savannah-Chatham Metro Police Department. This was my favorite as everyone knows here. This public/public contract for service. County funded, this contract for police service is overseen by the City of Savannah. A total overseen by them.

Public/private, Chatham County Recycles, Chatham County Solid Waste Recycle Center is funded by Chatham County and ran by private companies.

Anderson-Cohen Weightlifting Center, public/private recreational activity. Chatham County contracts for management services at the Anderson-Cohen Weightlifting Center.

Tybee Pier and Pavilion, public/private partnership. Chatham County contracts for management services at the Tybee Pier and Pavilion, including concession services. The private company contributes greatly to the overall maintenance.

Chatham County Soccer Program, public/public and private partnership. Chatham County manages the Spring program while the City of Savannah manages the Fall program. Chatham County signs agreements with two local soccer organizations to schedule field and facility use.

Chatham County Aquatic Center. Chatham County originally contracted with Champion Sports for the management services there. It was recently taken back and it's now ran by the County.

Chatham County Tennis, Chatham County has use agreements with the Savannah Tennis Association for preferred but not exclusive use of tennis courts. Chatham County has a similar agreement with SCAD for use of tennis courts at Lake Mayer and SCAD provided some funding for some of the improvements there.

Concessions, public/private partnerships. Chatham County contracts for concession and vending services at all County parks.

Chatham County Fishing, public/private. We actually contract for bait sales at the Rodney Hall Boat Ramp.

Chatham County entered into agreements for non-profit organizations to develop and maintain sections of Triplett Park, including frisbee golf and mountain bike trail.

Chatham County Engineering. We routinely obtained the services of private engineering firms.

Chain Sports Management and Scott Stell Park offering Chatham County organized recreational programs at no cost to Chatham County. Year 1, baseball — free; Year 2, baseball, Tee ball, football — free; Year 3, baseball, Tee ball, football, and softball — free. Chain will even maintain our fields at no cost. What's the difference in this proposal and what we've already — we're doing, as you see, over and over again? The difference is this is brilliant because it's free for us. No cost. It benefits the children, it benefits the County government and the private sector. Hotel/motel taxes will increase and the main thing is we've provided organized recreation for children and we talked crime a little while ago, there's nothing better than getting a child that may not have a parental figure of sorts on an organized recreational team with a disciplinarian leading them and teaching teamwork. This is free and for the life of me I can't understand what in the world we're delaying this for, and I ask you to please do what I can only believe is the right thing and let's pass this today. I put it in the form of a motion.

Commissioner Holmes said, I've got a question.

Commissioner Gellatly said, second. Chairman Liakakis asked, did you second? Commissioner Thomas said, no, Mr. Chairman. Commissioner Farrell said, yes, second. Commissioner Kicklighter said, thank you. Commissioner Thomas said, he has a question.

Commissioner Holmes said, I've got a question. Commissioner Farrell said, Commissioner Holmes has some questions. Commissioner Thomas said, he had a question over there.

Chairman Liakakis said, oh yeah. I was just waiting to hear about the second. Chairman Liakakis recognized Commissioner Holmes.

Commissioner Holmes said, thank you, Mr. Chairman. Let me — let me say that in due respect to my colleague, Mr. Dean Kicklighter, good presentation. Commissioner Kicklighter said, thank you, sir. But let me read something that was given to us in 1975 from the federal. 1975, Dean [Kicklighter], 1975. Commissioner Kicklighter said, yes sir. I was six years old then. Commissioner Holmes said, in August. Stell Park. The property shall not be sold, leased, assigned or otherwise disposed of except to another eligible governmental agency that the Secretary of Interior give to Chatham County. Now that land was given to us by the federal to Chatham County and it was given no third party affiliation should be given a name to it. It's an agreement between the County and the Federal Government. If there anything that need to be a change back to a third party, then it will have to go back to the Interior, not to us.

But let me point out some things to you, Dean [Kicklighter], that you also mentioned, and these are some meetings that we had in reference to what you just said to us now. You meant to say there's not going to be any charge and you mentioned —. Commissioner Kicklighter said, not for the recreational part. It will be the same fees as any other recreational program. Commissioner Holmes said, listen to what I'm saying. Now you mentioned that football would

not be any charge. Now I don't know no football program that is not being charged for in this County. Commissioner Kicklighter said, you are correct. I'm sorry, I must have accidentally —.

Commissioner Holmes said, okay, let's continue. I've got some other things that I want to point out to you. You also mentioned that you're going to give scholarships, but I asked the question when I met with you all about scholarships and the answer to me was we do not even have a system in place to give scholarships, that is something we will have to study. But you just came before us and said you're going to give free and you're going to give this, but this is the answer from Mr. Buddy Miles and us when we met.

Alright, let me ask you something else. Who here represents the Chain? Anybody? [No response.] Dean [Kicklighter], are you familiar with the Chain facility on Abercorn near Bull? Commissioner Kicklighter said, when I was Mayor of Garden City I struck an agreement with Chain and that's when I realized [inaudible]. Commissioner Holmes said, that's good enough. Do you know who managed that? Commissioner Kicklighter said, I don't. I just know that it was managed nicely. Commissioner Holmes said, okay. They do have a facility where the kids come in there and practice. Do you know that? Commissioner Kicklighter said, so they're a private business. Commissioner Holmes said, okay. Commissioner Kicklighter said, I don't really — you know, so they have a right to make money. Commissioner Holmes said, in 2006, Dean [Kicklighter], in 2006 there was some recreational team went to that facility and the comment [Inaudible] wanted to practice baseball, how to hit a baseball. They went into that facility and were denied. Commissioner Kicklighter said, I don't blame them one bit, Mr. Holmes. That's a private business and this agreement is structured [inaudible when two people were talking at the same time]. Commissioner Holmes said, this is the same organization that you're asking us —. Commissioner Kicklighter said, that's because that's the private business before they merged with the public —. Commissioner Holmes said, I didn't interfere with your presentation. Commissioner Kicklighter said, I'm sorry, I thought you asked me the question. I'm sorry. Commissioner Holmes said, well, you're the one speaking for them, right? But let me —. Commissioner Kicklighter said, I'm speaking for the deal with —. Commissioner Holmes said, just let me get through with what I have. Commissioner Kicklighter said, okay, I was just answering your question. I won't —. Commissioner Holmes said, and then a decision can be made. Commissioner Kicklighter said, thank you.

Commissioner Holmes said, okay. But they've been denied and they were denied because they didn't have any funds. They were not a member. Now that doesn't tell me and clarify to me what you're trying to present to us that once we sign this agreement, it is out of our hands. But what I'm going to say to the Commissioners and to the public right now is that this is a bad piece of policy that you're asking us to sign off to. It's just simply a bad piece of policy, and I know we've been elected and we've been appointed to make wise decisions for our citizens, and I read this thing all the way from one page to the other several times and I must say in my good conscience I cannot sit here and vote in favor of a bad piece of policy for the citizens of Chatham County. And I also would ask if Chain wants to do a tournament, if Chain wants to do a clinic, then what's wrong with Chain going to our office to get a permit? I want to know what's the problem with them going — why can't they go to the office and ask our office and give them a permit to do a clinic. If it's a two week clinic, one week clinic, they want to do any kind of tournament, they could get a permit for that. Why should we sign off on a bad piece of policy to deny them to go into our office to get a permit to facilitate the activity?

I'm going to ask this board to look at this very closely before you vote in favor of it, and I'm also say this. In my draft that I sent to you it underlined the words surprisingly. Anytime you asking us with a 25-sheet to approve, it seems to me that there should have been some more discussion on this before it came before us in this manner. I'm going to let your conscience be your guide on this, but Dean [Kicklighter], in due respect to Chain and you, in my good conscience, I've been on recreation too long, and once we sign off on this it's out of our hands and it's out of our government, and I don't think that is justified to the citizens of Chatham County.

Chairman Liakakis said, Harris [Odell], pass that 1975 — let me see that a minute.

Commissioner Odell said, Russ [Abolt], with your permission, I understand that Pat Monahan has been working on this. County Manager Abolt said, yes sir. Pat [Monahan], would you come to the podium. I have some questions, and I guess my questions are you have served as staff person in preparing this proposal for the Board. Is that true? Mr. Monahan said, yes sir, I wrote the agreement. Let me start by saying that I remember something once that Charlie Brooks, the first Chairman of the County Commission, told me. He was explaining to me the role of a Commissioner and he said Commissioners don't walk down the middle of the road because all you see is a yellow line and dead possums. But on this issue staff's been looking at a lot of yellow lines and smelling a lot of dead possums because we have the visions of two Commissioners and two varying visions of the future of Stell Park, and so I structured the agreement trying to listen to both of them. But I am familiar with the 1975 agreement. I gave it to Commissioner Holmes, and that's why the agreement is structured as a management agreement and not as a lease. It does not provide any property interest for Chain.

Commissioner Odell said, a couple of questions. One is who would serve on the Chain board of directors? Would the Commission appoint to that board of directors? Mr. Monahan said, no sir, that would be Chain's. Commissioner Odell said, okay. So we would basically assign to a private entity a public facility in which they could exclude or include anyone that they would decide. Is that true? Mr. Monahan said, well, now we're getting into an area that I may not be the right person to speak about. Commissioner Odell said, but you're the person that drafted the agreement and my question is whether or not they would have the right of exclusive possession of Scott Stell Park. Can you answer whether or not that's true? Mr. Monahan said, I can answer that. This group would not have exclusive — listening to what Commissioner Holmes told me, he did not want exclusion. That's why it's preferential. In other words, up to 90 days Chain can schedule its activities at Stell Park. Less than 90, any group can come in and schedule for those dates. Commissioner Odell said, okay, so what they do is they could schedule it every 90 days so that in a calendar year for that year, they would have 100% use of that park. Mr. Monahan said, that could be a possibility, yes.

Commissioner Odell said, I'm just asking if, looking at the agreement, and maybe it's Jon Hart, our legal counsel, wants to answer that. Viewing the agreement, I could structure it so that in a year I could have exclusive use of the park. Is that yes? County Attorney Hart said, it's been a while since I've looked at the agreement. I'd have to look at it again,

but, you know, what you're saying, yes, certainly that is possible. Commissioner Odell said, it is possible. Okay, so technically we would be given a public park to a private entity to maintain control and I understand that, Commissioner Holmes, your is that this same group runs another facility and this other facility they've excluded people. Commissioner Holmes said, exactly. Commissioner Odell said, okay. And you don't want that to happen as far as the park. Is that a fair statement? Commissioner Holmes said, that's a very fair statement.

Commissioner Odell said, okay, and I've heard the questions answered and one question that I had was that an amazing deal. Can you quantify the deal or the benefit that we receive, we being the County under this agreement? Commissioner Kicklighter asked, may I answer? Commissioner Odell said, no, he's staff. Mr. Monahan said, let me see if I can summarize it this way. In exchange for the County's allowing Chain to manage the facility, which will be done in phases, there's as Commissioner Kicklighter said in his presentation, ball fields first and then other recreational programs in later years, including expanding those to younger groups that we currently don't reach, the County decreases its maintenance effort and takes advantage of programs that are offered in that segment of the community. Commissioner Odell said, let me just stop you there. When you say, and I read the agreement, the County would over time decrease the maintenance effort, that's not quantified, is it? Mr. Monahan said, no sir. I mean, I can't tell you in terms — what that means in terms of reduced staffing. Chances are we don't reduce the staffing, it's just used more for other facilities. Commissioner Odell said, right. So technically if they reduced it by an hour out of 10,000 hours, that would meet the fulfillment of the agreement. Mr. Monahan said, correct. Commissioner Odell said, okay, because in that you don't define what reduced means, any reduction qualifies to satisfy what the agreement requires. That is true, isn't it? Mr. Monahan said, that's true. Commissioner Odell said, okay. Mr. Monahan said, now just to quantify what the County does receive, five percent of Chain's gross revenues would go into capital replacement at the park and the other is that five percent would be used to offset some of the operating expenses that the County incurs for maintenance of the park. Commissioner Odell asked, and what amount is that? Mr. Monahan said, it's five percent of gross revenues, and that was one of the questions that Commissioner Holmes asked Chain, what are your expected gross revenues. Chain could not answer that question so I can't answer the question. Commissioner Odell said, okay, so we would definitely give up a public facility to a private entity where we would receive an unknown benefit where they could ultimately have exclusive use. That's your stamp view of this agreement. Mr. Monahan said, the only thing that bothers me in your statement is the exclusivity. Chain still has to abide by the fact that it is a public park and does have to — there are requirements in the agreement that Chain recognizes that it's a public park and must keep — I mean, there's a statement to that effect in there. I remember writing it. Commissioner Odell said, I agree, Pat [Monahan], but here's my concern. We give these rights with no remedy. If I am an aggrieved party living near that park and I want to walk my dog, and I am told that I have to get out of the park by Chain — I know Dean [Kicklighter] — for people who've never been excluded, you assume that you can never be excluded. We have been excluded. We're concerned about giving up a public facility that was granted by the Federal Government to maintain as a private — a public facility to a Chain group that has in the past excluded other people. Now that is a legitimate concern and when we talk about benefit, if we cannot quantify the benefit, then I don't want that to be used as a selling point. That cannot be used to sell that to me if you can't tell me how much money we're going to get.

Commissioner Odell said, now when you met with Chain Baseball, what was their desires? What was the desires of Chain? What did they want to do? Mr. Monahan said, this concept or this approach originated because of Chain's interest in establishing a new home for Chain Baseball. Chain currently operates out of a Garden City facility and was looking to expand. Stell Park's location it's in a prime location. It's near motels. They apparently attract quite a few out-of-towners for tournaments. They just felt — and plus Stell Park was being under —, it's currently being underutilized. There are no active programs currently offered from Stell Park. Chain Baseball was interested in the baseball complex, the Jim Golden Complex. Chain Baseball was not interested in Stell Park.

Commissioner Odell said, I know, but when you said that Stell Park is underutilized, there are no organized programs, Public Works produces, our Public Works produces organized programs, do we not? Mr. Monahan said, no sir. Commissioner Odell asked, what does Al Lipsey, who just left out, they're responsible for what? What do they do? Mr. Monahan said, Stell Park is —. Commissioner Odell said, I understand that. What does Al Lipsey and the Recreation Department do? Mr. Monahan said, one persons is staffed there full time and then Parks and Recreation maintains the park.

Commissioner Odell said, I think I've just about finished. Can you tell me what would preclude this organization if they wanted to run tournaments from utilizing the park under the current terms where we maintain control, they could schedule it through the Recreation Department, saying we've got a tournament coming up, we expect a half a million people, we need to have this from March 10<sup>th</sup> to April 12<sup>th</sup>, is there anything in our current organizational structure that would preclude them from doing that? Mr. Monahan said, the County would welcome it. Commissioner Odell said, so their goals of offering the programs that would be of benefit, is it a fair statement to say that they could offer those benefits under the current structure? Mr. Monahan said, yes sir. Commissioner Odell said, the only thing that this would do is this would give them some level of management control over a public park. Is that true? Mr. Monahan said, that's true. Commissioner Odell said, okay, that's all I have, Mr. Chairman.

Chairman Liakakis said, alright, I'm going to call on Priscilla [Thomas] in just a moment and then for Patrick Farrell, but I want to ask this question while you're up there. You stated a moment ago that Chain Baseball was not interested in Stell Park? Mr. Monahan said, originally Chain was not interested in managing all of Stell Park, only the Jim Golden Complex, which is representative of four ball fields and a concession. Commissioner Kicklighter said, I'm the one that requested that thinking for the savings of the — so we can strike that out and leave it just the baseball fields for that matter, but I wanted more land to be able to put a free football program out there for the kids.

Chairman Liakakis said, Priscilla [Thomas] and then Patrick [Farrell].

Commissioner Thomas said, very briefly, Mr. Chairman and County Commissioners. One question and it has to do with the general public that's now utilizing the facility. For instance, on many occasions there are family reunions and other activities that are ongoing, every year that I'm familiar with. Will these entities be allowed through the Chain program to continue their usage of this facility? Mr. Monahan said, yes ma'am. Commissioner Thomas said, that was

a lot of who shot John. Mr. Monahan said, right. That would not change. Commissioner Thomas said, that would not change.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, a couple of questions. What percentage of available time is this facility currently being used for organized baseball? Out of all the time that's available to use these fields, how much of it is currently being used by somebody? Mr. Monahan said, none. Commissioner Farrell asked, zero? Mr. Monahan said, zero. Commissioner Farrell said, zero percent, okay. So we're not, this wouldn't displace anybody right now? Mr. Monahan said, no. Commissioner Farrell said, because there's nobody using it? Okay. Mr. Monahan said, correct. Commissioner Farrell asked, what is the exit strategy assuming for a moment that we perhaps enter into an agreement with Chain, what is the exit strategy if at some point in the future a majority of these Commissioners were not satisfied with the management and how this agreement was being handled with the citizens and different things, what would be the exit strategy? Mr. Monahan said, if there is a termination by convenience by action of this Board, as well as an annual renewal period, so that Chain would have to appear before the Board so the Board could assess the past annual performance and whether the contract should be continued another year. Commissioner Farrell asked, so it's on an annual basis? Mr. Monahan said, right, correct.

Commissioner Farrell said, and if I heard right, you said that Chain was just interested in the ball fields that are not being used right now, Dean [Kicklighter], but you tried to leverage their interest in the ball fields to try to bring programs and more things —, okay. So that's still kind of negotiable. Commissioner Kicklighter said, I mean, it could be thrown out and then we can find later a section where we'll put a football field. I mean, I was just thinking simply they do a great job with maintenance that we could get it for free in exchange for them utilizing their private portion of their — in other words, they would make their money in their regular advanced training of Chain, but then they have to provide us organized, just the little league recreational activities at the same base fees that any other area around us. That's it. Commissioner Farrell said, thank you

Chairman Liakakis said, alright, Jon [Hart], I'm going to ask you this question, but before I get to that, Patrick [Monahan], they have the scheduling, so from what I understand at this point because I'm looking into it, is that if some team wants to come there, a group wants to play the field, they have to contact Chain Baseball, correct? Mr. Monahan said, correct. Chairman Liakakis said, and then suppose they want it on a certain date and Chain Baseball can turn them down? Mr. Monahan said, if Chain has that date reserved, then Chain could turn them down because the fields are reserved. Chairman Liakakis said, and the period of time that they have that —. Mr. Monahan said, I believe it's 90 days in the agreement, and I apologize, I have not read that agreement in probably since it was tabled six weeks ago, but I believe it's either 90 days or 120 days. Chairman Liakakis said, they've got, say, 90 days. So the scheduling, they can control that. Mr. Monahan said, yes sir, that's what I consider to be preferential treatment.

Chairman Liakakis said, now, one of the things, Jon [Hart], I wanted to ask you is what was just brought out: the property shall not be sold, leased or assigned, now, except to a governmental agency. Now, I understand we're talking about a management, but what you're doing you're assigning the ability to this non-governmental agency to make decisions on what's going to happen there. So when that — because it's not a governmental agency. So doesn't that mean then that that assignment that's in this wording by the government mean that you can't do that?

County Attorney Hart said, it certainly could be interpreted that way.

Commissioner Kicklighter asked, and could we interpret that on any other parks that was probably donated to this County back in '75 which we're utilizing some type of partnerships and just dismantle our entire structure of our government, if we're going interpreting way back because things change, you know, but —?

Chairman Liakakis said, well, I'm not talking about anything else. County Attorney Hart said, the point I'm trying to make is for that I haven't done a detailed study of that. What you said about the word assigned, yes, you could interpret it that way. That is not to say that it could be interpreted — a management contract could be interpreted as not being an assignment. That type of question, you know the answer when a judge puts it in an order, okay. I mean, it's one of those questions that two reasonable people could interpret it two different ways. You know, we run into that quite often. For example, the property on the back side of Hutchinson Island that was owned by the government. We had, you know, some of the language there had some clarity issues and we went back to the Corps of Engineers and came to an understanding of what the language meant. So in a vacuum it's very difficult to say that. I do think the only means that I see of doing it is to do it the way Mr. Monahan has described as in a management type of agreement. You can't lease it because it would certainly run afoul of that language. On the other hand, at what point does a management agreement become a lease and no longer a management agreement? Once again, you find that out when a judge tells you the answer to that.

Commissioner Odell said, yeah, but we're doing indirectly what we're precluded from doing directly, and the simple fact that it quacks and lays duck eggs, has duck feathers and we call it a chicken, doesn't make it a chicken.

Chairman Liakakis said, Jon [Hart], what I'm saying still that it says assigned, so assigned to another governmental agency. That's what it says. So it's going to be assigned, correct, to the Chain Baseball, correct? That is not a governmental agency. I'm, you know —. The last one I can tell you is an absolute yes to that, it's not a governmental agency. Chairman Liakakis said, okay, well there's a big problem in that because I want to, you know, when I look at it and want to do the right thing, because we want to help people in athletic endeavors, that's the quality of life in our community and we need to do a lot of things, but I'm just looking at what the government says right here.

Commissioner Kicklighter said, Jon [Hart], what —.

Chairman Liakakis said, hold it just a minute. Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, ladies and gentlemen, Mr. Monahan said it one way, I'll say it another. This is a policy decision. Commissioner Holmes and his comments were right-on. I cannot think of a more interesting direction in energy to get this thing to a point where you can make that decision. You have my very best as far as staff. Certainly between Commissioner Holmes and Commissioner Kicklighter, there's been an awful lot of your time spent. We can look at this from what I think is the simplest way, it's risk reward. It's a policy decision you'll make based on the risk and reward, and we've had other management agreements that have not been successful. We've had some that have. The issue is do you want to take the risk? Are the risks worthwhile? Commissioner Holmes' point, which is very key of what I've listened to more than anything is the involvement, the fact that you never want to put yourself in a position in any type of agreement, regardless of what it may be where a citizen of Chatham County might present themselves and ask to prevail themselves the benefits of this case fell apart and be denied. We will, you will be the first ones to receive the push-back on that. The only thing you can look at from the standpoint of what Commissioner Kicklighter is saying is, okay, is it worth the risk for a time to see what the experiences will be, but again it is a risk and it is a risk that only you can make the decision on a policy level whether you wish to follow.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Manager, does the unincorporated area, the SSD portion of the budget, do we have the funds available to start a recreation — organized recreational sports program in southwest and west Chatham County? County Manager Abolt said, the SSD does, as you know, Mr. Kicklighter, doesn't get involved in recreation. That's a general fund, but the question on point, you know SSD is a train wreck. Commissioner Kicklighter said, okay. You know, I would like to state that I would never ever promote anything that excluded anyone from anything and, yes, Mr. Odell, believe it or not, I'm white but I have been excluded. I've got a brilliant daughter that's going to go to college and I don't anticipate her receiving a United Negro College Fund Scholarship because she was born white. So I understand it. I really get it. I didn't grow up in the times you did. Commissioner Odell said, you don't get it. Commissioner Kicklighter said, I don't get it because this area seems to turn into race now. Commissioner Odell said, no. Commissioner Kicklighter said, people my age didn't grow up with all this mess that we seem to be experiencing, and I would never encourage anything to exclude anyone. I mean, ever. This is a one-year deal, one year, but if they turn out to be hidden Klan members, we cancel it. But I don't believe they are. It's no different than every program I flashed up there and it's free, and to go back to what Commissioner Holmes stated, I'm sorry but maybe I misled or you misunderstood. The free part I meant was to the taxpayers. There's no cost for this group to run the organized sports program to the taxpayers. The County will not be paying a bill, but yes, children for the basic recreational opportunity activities will pay whatever fees similar to any other fee. Risk and reward, yes sir, I agree. There's risk and reward. The risk is we bring something in in an organized program and it does not work. Then what happens? You go back to where this park has been since, I guess, 1975 — nothing, an overgrown nasty, dilapidated hole in the ground that the County will not pay money for because undoubtedly it's the stepchild rough side thing with an organized sports for the Islands but not for the westside. So it goes back, their the Klan. It goes back to nothing, which is what it's been since 1975. So if there's a kid standing on the side of the road with nothing and you throw him a ball, he's got something. Maybe he can enjoy it for a year. There is nothing there. No organized sports, nothing. They're going to run a — two separate functions. I said public/private in my original talk. Private to me means people make money with private, so they will run advanced sports' training programs, and they will charge whatever the heck they want to charge. That's their business and in exchange for them to utilize those fields, they are trading off and they will run regular little league recreational programs at no cost to the taxpayers of Chatham County. Any child that chooses to participate would pay the same small fee just like they do in any city around and they will not be excluded whatsoever. It's that cut and dry. There is no exclusion. I believe Mr. Monahan and myself even stated that we wanted a least one baseball field left aside at all times that's never utilized in case somebody just happens to pop up in the park and just want to have a game that day. I don't understand and honestly I'm pretty knowing you people up here and respecting the individual jobs that we each have. I'm very disappointed that it would even be alluded to something of exclusion and my name with it because that, pardon me for my lack of education, but that's just a crock of crap, that's what that is, and if we don't like it, let's send it back to what it is — nothing. We can cancel this thing in one year, but my bet is we'll have organized recreation free for the taxpayers and we'll have something nice where up until this point there's been absolutely nothing, and I would love for somebody to call for the question because I'm done with this, and have at it as you will. My vote will be yes and at this point I don't even care how anybody votes.

Chairman Liakakis said, now I'm going to say something because I'm going to call on Helen [Stone and then Patrick Farrell and then Patrick Shay, who have indicated, but one thing I want to say, this Recreational Department, when I talked to the County Manager, there was a problem with a pothole out there. They immediately repaired that because I talked to a couple of teens that were playing there. I know some others and I told them get in touch with the Recreation Department, they can give you the element to utilize, and our Recreation Department has got that place — if you go out there now, it's not in bad shape. It's not in bad shape as we speak right now, so I have to defend that because we need to go out there and look. So what I'm doing right now, I'm calling on Helen [Stone] and then Patrick Farrell and then Patrick Shay. Helen?

Commissioner Stone said, thank you, Mr. Chairman. Chairman Liakakis said, and then also Harris [Odell] and David [Gellatly]. Commissioner Stone said, I just have a couple of questions, and I guess my question should be directed to Mr. Monahan. The staff's recommendation is to approve this with Chain. Can you elaborate as to why that was the staff's recommendation. Mr. Monahan said, well, the — trying to work with Commissioner Holmes and Commissioner Kicklighter, we got the agreement as far as we could get the agreement. I can't foresee any changes in the agreement that's going to change the structure of what Commissioner Kicklighter was trying to accomplish. So that's about as far as it goes. Commissioner Stone said, but you all make a recommendation to accept this. Mr. Monahan said, yes. Commissioner Stone asked, based on what? Mr. Monahan said, based on the safeguards that we included in the agreement — that I included in the agreement, and I did forget to mention that I drafted the agreement, but of course the County Attorney reviews all of my drafts. Based on as much as I could conclude from both gentlemen I included in that agreement.

Commissioner Stone said, okay, and I have one more question. Do we have any evidence that Chain Baseball as an entity discriminates against people? I mean, do we have any knowledge of that? Mr. Monahan said, I mean, I don't. The only thing I know of Chain, and I've learned a lot, both of my sons participated in organized sports, but I think they

came along prior to Chain. Chain Baseball is — their primary goal is to generate scholarships for athletes, college scholarships. They have been successful in securing more than 200 of them. In fact, I happened to notice on ESPN the other night one of their former pitchers just finished third in the Cy Young voting in the National League, a gentleman named Adam Wainwright. But, you know, this is — it's an important question. This park is a park of heritage, it really is. For those of you that don't know about the park, it was — the reason it was transmitted — originally owned by the Department of Defense. That was a training site for helicopter pilots during the Vietnam War, and then after that one it was transferred to the Department of Interior and Department of Interior transferred it to Chatham County. It was named after Lewis Scott Stell, who was the first African American Commissioner and who's brother happens to be in the audience and I think he wants to speak. So it is — and it is not — not to — as the Chairman said, it's not — the problem is the park is located in a — it's a growing area, but it is a remote area of the County. I mean, if you go out there, there might be 200 homes within a half a mile in the park but there are more than 4,000 platted lots.

Commissioner Stone said, I guess my concern is if you've got an organization that we have no knowledge that they discriminate against anyone but they offer scholarships and help children, this sounds like a good organization. Mr. Monahan said, go back to what Commissioner Holmes said. I don't think that's the issue. I think the issue is are we going to set this — and it is a precedent because one with — the County contracts. Probably the one most like this would be the Anderson-Cohen Weightlifting Center. The County contracts with the group that has exclusive rights to use that facility, so that's probably the closest example. The other ones, the other facilities the County contracts with, the management group doesn't have exclusive rights. The management group itself doesn't participate as a participant, and I think that's one of the key differences. So it is a philosophical difference here.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I just wanted to ask a question. Not knowing which way this motion may wind up, and you stated that no one is using these four fields, these four baseball fields and that's primarily what Chain is interested in. Mr. Monahan said, not in an organized — not organized. Commissioner Farrell said, an organized fashion and that we do have a staff member there every day. Mr. Monahan said, yes because you remember, as the Chairman has pointed out, the Commission has been gracious enough to fund some major improvements: resurfacing the tennis courts, it has a nice exercise area, we have our community gardens located there, we have picnic areas. As Commissioner Thomas said, we have a large number of groups who rent the pavilion for picnics and family reunions because when a family reunion rents the pavilion, it basically gets the whole park. Commissioner Farrell said, well, my question is, is there anything that would preclude this baseball organization, without anything to do with this agreement, to contact the County and to set up a baseball schedule and work out a program where that they can have their tournaments and their practice and sort of thing and flowing through our department, and then of course our department would still be open to any interest from the outside from anybody else at the same time, but seeing how there's nobody interested organizationally at this point in using the facility, could they accomplish what they are looking to accomplish in the next, say, 12 months by just going through the existing structure that we have there. Is there something —. Mr. Monahan said, well, you might recall Commissioner Odell asked me the same question, and the answer is still yes. Commissioner Farrell said, they could do that. Mr. Monahan said, yes. Commissioner Farrell asked, so they could start tomorrow playing baseball if they went to the right chain of command through the County? Mr. Monahan said, correct.

Commissioner Kicklighter said, that's why this is such a good deal, but if they did that, they wouldn't have the recreation program —. Chairman Liakakis said, hold it please. Commissioner Kicklighter said, — for free for us. Chairman Liakakis said, go ahead.

Commissioner Farrell said, they wouldn't have to —. Commissioner Kicklighter said, that's what I'm saying, so but I'm looking for a good deal for us and them.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, this past Spring I tried as a certified city boy my hand at farming and I ended spending a lot of quality time at L. Scott Stell Park. I wasn't particularly successful as a farmer, but I did get to observe the park quite frequently in how it was used and how it's maintained and the shape that it's in, and I just want to — I know, Commissioner Kicklighter, you have a lot of passion over this and I, you know, I understand that, but the park is really very well maintained right now. There's not even on the walking trails, there's not even garbage or anything. I mean, the tennis courts are in very good shape. I was a part of the Commission that decided to begin funding that again a little over four years ago. I don't want people that are out there to think that this park, which is underutilized, but a great asset to all of our citizens, is really a hole in the ground. It's not. I wish more people took advantage of it, I wish more people went there and saw what great shape it is. Even my little city dog, Leo, who never gets out to the country, when he got out there he really enjoyed walking around L. Scott Stell Park and chasing the ducks and the geese and so forth because he just doesn't get to chase ducks and geese downtown. But I don't want people to get the impression somehow that L. Scott Stell Park is in ruins and that this proposal either way it goes today would be either its destruction or its saving. Okay.

Commissioner Kicklighter asked, may I? Chairman Liakakis said, no, it's Harris [Odell], David [Gellatly] and then you.

Commissioner Odell said, just for the record, I do not believe Dean Kicklighter would support anything that would exclude anybody, and also for the record this was a good presentation. Commissioner Kicklighter said, thank you. Commissioner Odell said, most people don't realize it, but you and I, if we were children, we would have been taking Ritalin because we're very emotional about what we do, but that's why we get along. So the general public, don't confuse the passion for anything other than passion. If there's been anyone who could interpret any negative towards this organization, you're mistaken. We are in the business of anticipating the unforeseen and occasionally we view it through our history, and I really wish that I could review it as an American who did not go through the 60's, but I'm 60 years old and I can't, and I believe that those people who forget their history are dumb to repeat it, so I don't. And I'm not ashamed of it and I'm very proud to be an American and I do look at things from that advantage point of the

60's and 70's growing up. So I make no apologies for that. It's a good presentation by Dean [Kicklighter], it's a good rebuttal by James [Holmes]. My only concern legitimately was that we have an exclusionary clause which we do not have a definite opinion from legal counsel as to whether or not our efforts to do indirectly what we're precluded from doing directly will sustain the mustard. If it — if the members are of such compassion that they believe that they do, then we should eliminate any immunity and if it doesn't and we're hit with a substantial legal cost, then they can accept the burden for that. But there's a happier medium, and that happier medium is this should be a honeymoon period. I think it's a good idea, and I understand what you're trying to do, Dean [Kicklighter], and you're absolutely right. You can't think of a program we don't have out at the Frank Murray Community Center, which is in Pat Farrell's area. I mean, the Islands, we have organized programs, but on the westside we don't. That's the area that we really need to address objectively, and if there's a way that we can give you your half load and Holmes his half load, then I'm interested in that. I thought we skirted the issue of the Federal Government. We program them to put on their program out there. We run the program for a year. If there are no problems if we lack a dating process, then we have a marriage. But Commissioner Holmes did have some concerns regarding this organizational structure. I don't know of that, Helen [Stone], personally. I have no personal information. I heard and I listened to what my fellow Commissioner said and, you know, so don't, Dean [Kicklighter], think that yours was not an excellent presentation. You spent some time on this and if anybody tells you you didn't have not been honest. This was a good presentation. And, Holmes, yours was an excellent response. I mean, we are compassionate people and if the public does not want us to take seriously issues that come before us and bring our backgrounds, our concerns in our district, that's what we're obligated to do and that's what we do. And, I don't know what I'm going to do on this, but I'm open to persuasion.

Commissioner Kicklighter said, Mr. Chairman.

Chairman Liakakis recognized Commissioner Gellatly.

Commissioner Gellatly said, thank you, Mr. Chairman. I think I certainly have a vested interest in this park in that it's right adjacent to the Sixth District, and the Sixth District has one very, very small, maybe one acre neighborhood park, and other than that we don't have any, and so the development and use of this park is of tremendous interest to me. And I've been going out there since 1980 when I came to Savannah, almost 30 years ago, and almost anytime you go out there, you're going to be the only one in that park. It's very seldom is it used by anyone and I think that's a shame because it's probably the best kept secret in Chatham County, and with the growth in Chatham County I think we should take every advantage to develop that park properly and we're living in an age right now where we do not have the money in government to do that ourselves, and we're going to have to think smart and figure out some way to have that developed and utilized in an intelligent manner. I think on this agreement that if this — if these people had any problems where they've excluded somebody, we need to put a lot of sunshine on that and talk about it and let's determine whether it's factual or it's not factual, and I certainly don't want anybody out there that discriminates against anybody for any reason. On the other hand, I think it would be very smart for us to partner with somebody or some organization and get that park fully developed and fully utilized and not have the taxpayers pay for it, and that would be my position.

Chairman Liakakis said, alright, Dean [Kicklighter]. Commissioner Thomas said, Mr. Chairman, I have one of — Chairman Liakakis said, wait a minute. It was Dean [Kicklighter] next. Commissioner Odell said, she just wants to be next. Chairman Liakakis said, oh, you want a response to that? Commissioner Odell said, no, after Dean [Kicklighter]. She wants to go after Dean. Chairman Liakakis said, oh, yeah, I've got it down for you, Priscilla [Thomas].

Commissioner Kicklighter said, if you want to go ahead, and then I'll yield and then hopefully I can call for the question.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, okay. There's only a couple of things, only a couple of things that was shared with us by both persons, Commissioners. I'm hearing about, I just forgot about the year, about the 1975 federal aspect of it this morning. I've known Mr. Jim Golden. For those of you who are County Commissioners, when he was out at the — he was a Director and a very able person, and what has happened to Scott Stell, along with other facilities, we can compare those with the Frank C. Murray because we have pumped in a lot of money into Frank C. Murray's, you know, park or whatever we want to — facility, but for Scott Stell and others, they were always being put on the back burner, for those of you who may not know for other projects. So that's one of the reasons why it's in the condition that it's in. So finally I want to say that I have mixed emotions because I do feel that what Dean [Kicklighter] has presented here this morning is worthwhile. What my other colleague, Coach Holmes, has presented is certainly worthwhile in this reference to this federal thing here. I'm concerned about that. That's where I'm torn as to whether we will be breaking some kind of law here if we go the way that we are now going. So I just wanted to get on the record and express that because that's a great concern of mine and I think we all who sit up here want to be inclusive of people and things, and I don't know of anyone that the Chain Company has, you know, not been fair to, and so we want to give them the benefit of the doubt. When we all met with them and discussed this information with them, I was very impressed with what they had to say because I asked them a lot of questions that I did not ask this morning. If we should go with this and if we go on a one year basis, I would hope that we would have an evaluation that would come back to us to see where we are and then where we should go from there. Right now I don't know which way I'm going to vote.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter said, Mr. Chairman, in closing I will state with all due respect, the one example of Chain Baseball supposedly excluding people was that a group of children was actually turned away from practicing based in a gym facility because they wouldn't pay all for the following on that. If a bus full of children pulls up to McDonald's, they're not going to get a hamburger and a coke and a fry unless they pay for it. Chain Baseball's current structure is to help provide scholarships for children train — advanced training, and they are a private business. That's not exclusive. That is business. Nothing more, nothing less. Pat Monahan is one of the most intelligent and most capable people I've ever actually ran across. Commissioner Thomas said, yes, he is. Commissioner Kicklighter said, he made sure that the concerns were addressed, fields will be left open. It is a combination — when I said public/private, that's it exactly. They're going to operate their private business. That's why they would actually operate at no cost the

recreational program. In that private business of advanced training that they require payment, I'm pretty confident that most people will have to provide that payment. No different than paying for a Big Mac and getting one and not paying for a Big Mac and not getting one. But the regular recreational programs that they will run at no cost to this County or its citizens will be the same as the City of Pooler offers, Tybee offers, we offer over on the Islands, and all the other cities offer. I appreciate the concerns. I hope they've been addressed.

I will — it turns out what I thought would really make everyone extremely happy with the deal that I really pushed hard for is probably what pushed this thing back. I will amend my motion in a heartbeat to remove the rest of the park where they're managing nothing other than those baseball fields at this point, and then maybe by next year when they intend on implementing football, we can section out a little piece for a football field to be and we can add that for that following year. If that makes everyone happier, I'll amend my motion to amend the agreement to state that, that this contract will only apply to the ball fields, and will you amend your second whoever seconded it. Commissioner Farrell said, I will. Commissioner Gellatly said, I will.

Commissioner Thomas said, we had one person out there to speak.

Chairman Liakakis said, okay, I'm going to call on Mr. Stell to speak in just a minute, but I wanted to do this. I'm going to call on him in just a minute. I want to make this statement right now. We have a good County Commission. We have people here that have sometimes we have different views on things. So I don't want anybody to get the wrong, wrong impression that we are against one another up here. We've got different ideas and views up here so I don't want whatever the news media might be that we don't see tomorrow, you know, and different media that, you know, that we are against one another and we're real negative to one another because that's not true. We are viewing how we feel and everybody, I hope that our entire community understands that because that statement is going to be on our 16 channel, government channel. So I want everybody to know that. You can see that.

Commissioner Kicklighter said, just like every dysfunctional family at home, aren't we, Mr. Chairman.

Chairman Liakakis said, alright, and what I'm going to do right now is call on Mr. Stell. He is Scott Stell's relative.

Mr. Stell said, thank you, Mr. Chairman and the Commission. I'm L. Scott Stell, III, one of the sons of the late L. Scott Stell, Jr., and which the park was named after. I have one question I wanted to ask the Chairman or either the Commissioners. Will the name be changed? Chairman Liakakis said, no. Commissioner Farrell said, no. Commissioner Kicklighter said, no sir. Chairman Liakakis said, I can answer that for you. Mr. Stell said, that was one of our concerns whether the name would be changed and whether it will be open to the public. I've listened and I've got all the other information, but this is what we were concerned about, and since the name will be changed, we have, you know, no objections. Let's move forward — and it's open to the public. Commissioner Odell said, it is. Commissioner Kicklighter said, yes sir. Mr. Stell said, that's the thing. Thank you, sir.

Commissioner Odell said, I think we may have a deal here, but I'm uncertain if we can do what we need to do at this meeting, but I'd like to see us not table this when we might be able to work it out, and I think we can work it out.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Mr. Chairman, I wasn't even here for the last meeting when this was discussed. I've been for every other meeting. It was tabled right away last meeting, I guess. You know, we have invested a lot of well spent time and effort and energy. There are draft agreements and have meetings and it's time to fish or cut bait, okay. It's a policy matter, we're the policy-deciding board. We're not all going to agree on this one. I think there's been a motion made and amended and accepted, so I would just like to recommend let's go ahead and vote. If there's an issue with the language in the 1975 agreement and we adopt something today, then I presume that we will have the ability for somebody to come back to us and tell us that we can go forward or not, but as a policy matter let's go ahead and decide what we're going to do today.

Chairman Liakakis said, hold it please. Mr. County Attorney, on that what I said assigned and I asked you that question and you said yes, I want you to bring it back to the next meeting for us because we are assigning the management to a private organization and not what it says in this governmental agreement for a government, and this isn't negative towards anybody up here, but I'm just going by what has been stated and what has been written there, okay. Alright, so —.

Commissioner Odell said, let's restate the motion. Commissioner Kicklighter said, to approve staff's recommendation but scale back the area in which Chain Sports will be responsible for to the baseball field and facilities only. Commissioner Farrell said, concessions and —. Commissioner Kicklighter said, yeah, the concessions and —. County Attorney said, baseball facility. Commissioner Kicklighter said, baseball facility, there you go.

Chairman Liakakis said, alright and —. Commissioner Kicklighter asked, do you second? Commissioner Gellatly said, second. Chairman Liakakis said, okay, we have a second and —. Commissioner Farrell said, I've got a second. Chairman Liakakis said, I'm going to call for the vote and let's go on the board. Commissioners Stone, Shay, Farrell, Holmes, Gellatly and Kicklighter voted in favor of the motion. Chairman Liakakis and Commissioners Holmes and Thomas voted in opposition. The motion carried by a vote of six to three. Commissioner Thomas said, I've got questions on that lease. Commissioner Kicklighter said, thank y'all.

Chairman Liakakis said, and the reason why I voted for [sic] this because what it states in the governmental agreement. I want everybody to know that.

#### **ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved to untable this item and place it before the Commissioners for consideration. Commissioner Farrell seconded the motion. Chairman Liakakis and Commissioners Stone, Shay, Farrell, Odell,

Gellatly and Kicklighter voted in favor of the motion. Commissioner Holmes voted in opposition. The motion carried by a vote of eight to one.

- b. Commissioner Kicklighter moved to approve a management agreement with Chain Baseball as to the baseball fields and concession facility in the L. Scott Stell Park and Jim Golden Complex. Commissioners Farrell and Gellatly seconded the motion. Commissioners Stone, Shay, Farrell, Holmes, Gellatly and Kicklighter voted in favor of the motion. Chairman Liakakis and Commissioners Holmes and Thomas voted in opposition. The motion carried by a vote of six to three.



~~Related to AGENDA ITEM: VIII-1~~  
~~AGENDA DATE: October 16, 2009~~

~~AGENDA ITEM: VIII-1~~  
~~AGENDA DATE: November 6, 2009~~

### INTER-OFFICE MEMORANDUM

AGENDA ITEM: *VIII-1*  
AGENDA DATE: November 20, 2009

**DATE:** October 12, 2009  
**TO:** Chairman and Members  
of the County Commission  
**FROM:** Commissioner James Holmes  
District 2  
**SUBJECT:** Chain Baseball Proposal to Manage the Jim Golden  
Complex at Scott Stell Community Park

This Chatham County Commission has recognized the outstanding contribution of local individuals by naming public facilities in their honor for many years. All these facilities are managed by the County and are open for public use.

Anyone may request the use of these public facilities by generally communicating with staff of Chatham County Public Works and Park Services. This Board of Commissioners has set goals and objectives. The first was public safety and the second, recreation. We, as a board, have allocated funds to upgrade both Scott Stell Park and Jim Golden Complex. Surprisingly, we are being asked to approve an agreement with a private/non-profit group to manage the Jim Golden Complex as a pilot project toward managing all of the park in the future .

If my memory serves me correct, these two facilities (Stell Park and Golden Sports Complex) opened for public use in the 1980's by Chatham County. These facilities were built with many unique features, i.e. tennis courts, basketball courts, garden plots, lake, model airplane runway, motor cross track, picnic shelters, walking trails. Many of our citizens use these facilities on a daily basis.

Now, this brings me to some main issues/concerns:

- 1 - Under this agreement, it seems as if we are franchising this out. Is this the case?
- 2- Loss of jobs for our County employees.
- 3 - At Pooler's new recreation site, there are about 8 baseball diamonds. Has Chain look at this sight?
- 4 - The Chain Baseball academy is an **EXCLUSIVE** baseball school.
- 5 - The Chain baseball age group is 8 -18.
- 6 - Are we, the government, getting out of the business of managing public facilities which we build, fund and ensure remain open for public use and enjoyment.

In conclusion, it is the County's responsibility to manage and maintain these facilities in the manner as we manage/preserve facilities in other areas in Chatham County.

Let me reiterate by saying that I will not support this proposal. This means that we, the County, should manage, properly maintain, and continue issuing user permits.

Please note that the Stell Park and the Jim Golden Sports Complex were built with federal funds and county-local tax money.

:gfg

~~AGENDA ITEM: VIII-1~~~~AGENDA DATE: October 16, 2009~~~~AGENDA ITEM: IX-4~~~~AGENDA DATE: August 28, 2009~~~~AGENDA ITEM: VIII-1~~~~AGENDA DATE: September 11, 2009~~~~AGENDA ITEM: VIII-1~~~~AGENDA DATE: September 25, 2009~~

TO: Board of Commissioners

THRU: R.E. Abolt, County Manager

FROM: Patrick Monahan, Asst. County Manager  
Al Lipsey, Deputy Director, Public Works & Parks Services**ISSUE:**

To approve an agreement with Chain Baseball to manage the Jim Golden Complex at Scott Stell Community Park as a pilot project toward managing all of the Park in the future.

**BACKGROUND:**

Based on a conceptual plan presented to the Board of Commissioners, Chatham County would enter into a pilot program with Chain, Inc., a non-profit athletic organization, to manage Scott Stell Community Park. The initial phase of the agreement would limit Chain Baseball's responsibility for the Jim Golden Complex but the agreement envisions that Chain Baseball would assume full management responsibility for Scott Stell Community Park in the future. Chain Baseball is a non-profit organization which promotes youth and amateur baseball. Since 1985, the organization has helped 256 youths receive college scholarships, and 39 of the program's players later became drafted into professional baseball.

**FACTS & FINDINGS:**

1. Attached is the proposed agreement which would create the partnership between Chatham County and Chain Baseball. In summary, by terms of the agreement, Chatham County would commit to certain improvements at the Jim Golden Complex to renovate and improve its condition to meet college and tournament competition. The 2009 and 2010 Capital Improvement Program already includes funding for these improvements. In addition, the 2008-2014 Sales Tax program also provides funding. Altogether, these revenue sources will provide ample funding to meet the agreement's obligations, including developing the complex, its ballfields, and amenities for competition at highest amateur levels.
2. In exchange, Chain Baseball would manage the complex, generate revenues to offset maintenance, schedule play and sponsor tournaments. At least 10% of Chain's gross revenues would be allocated for maintenance and to give improvements at the Jim Golden Complex. While Chain retains first rights to schedule events, Chain would receive only priority use but not exclusive use.
3. Chain Baseball intends to develop the Jim Golden Complex into a professional-appearing venue for amateur baseball. Besides regularly-scheduled games, Chain Baseball would promote the complex for clinics and tournaments.
4. Chain Baseball's management of the Jim Golden Complex would be a pilot project. The agreement assumes that Chain Baseball would expand its role and become the manager of Stell Park, including management for all aspects to include personnel.
5. To provide public notice and opportunity for other organizations which may be interested in this agreement, the County advertised "Request for Interest." Only Chain responded.
6. The County Attorney has reviewed the proposed agreement and concurred in its form and format.

**FUNDING:**

Not applicable.

**ALTERNATIVES:**

1. That the Board approve the proposed agreement with Chain Baseball, as proposed.
2. That the Board amend the proposed agreement with Chain Baseball as it deems appropriate.
3. That the Board take no action.

**POLICY ANALYSIS:**

Contracting for the private management of public facilities offers opportunity and challenge. While non-profit organizations especially can focus its exclusive energy to enhance public facilities, agreements should be written so as to avoid conflicts of interest and exclusivity.

**RECOMMENDATION:**

That the Board adopt Alternative 1.

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**2. \* REQUEST BOARD APPROVAL OF A BEST VALUE CONTRACTING SCORE CARD FOR THE DETENTION CENTER EXPANSION PROJECT. Item was tabled at the November 6, 2009, meeting.**

Chairman Liakakis asked, do we have a motion to take it off the table or leave it on?

Commissioner Shay said, Mr. Chairman, I move that we take this off the table and discuss it. Commissioner Stone said, second.

Chairman Liakakis said, we have a second. Okay, let's go on the board to take Item 2 off the table. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis said, okay, request board approval of a best value contracting score card for the Detention Center Expansion Project. Mr. Manager?

County Manager Abolt said, Mr. Chairman, ladies and gentlemen, this sets forth a very hopefully easy to understand way in which we're going to not just keep score, but we're going to submit report cards and any contractor who might come forward and propose. There were specific questions asked in your pre-meeting by — folks like Commissioner Thomas. You may wish to discuss them now, but this is in a very, very important moment that either today you specify your concerns and approve or give us direction and approve on the 4<sup>th</sup> of December. This is the largest dollar-wise construction project that this County will be pursuing in the near future and it's very important that everybody knows because of the investment they'll make in committing to bids, whether or not they're pre-qualified through Best Value. A very, very important decision you'll be making.

Chairman Liakakis said, okay. County Attorney Hart said, Mr. Chairman. Chairman Liakakis said, yes, go ahead.

County Attorney Hart said, I just wanted to add to that, this morning Mr. Robert James provided us with a memorandum right after a meeting of his comments concerning the score card and report that we have. Some of his concerns echo the concerns raised by Commissioner Shay, and it's certainly something I think that the staff needs to take into consideration. I am going to circulate this memorandum after the meeting to everyone so they can view it and make sure they're on board with some of the comments in here, but I — we realize that this is going to be a work in progress, but we need to at least get it done by next time.

Chairman Liakakis recognized Commissioner Thomas.

Commissioner Thomas said, I brought it up in the pre-meeting this morning and — because I had some concerns as well, and now that Mr. James is here, I wanted to get some information from him and since he has shared that with the attorney, perhaps we can — I don't know if we can table it until we get the results from our attorney or what. I'm just — I just don't know what approach we should take, but I would like to hear from Mr. James.

Mr. Robert James said, good morning, Chairman Liakakis and the rest of the Commissioners. The first thing I wanted to do was to commend the staff for the hard work that they have done in putting together this score card. It's very detailed, especially on the technical points, and I also wanted to commend the Commission for wanting to really address the issue of making sure that whoever builds this big facility for the County really provides the County with the best value, and that phrase best value really going to not just price but also the most qualified firm, and especially the firm that's going to commit to having the greatest economic impact in our local community. I know that this Commission is very serious about wanting to make sure that the taxpayers who support these facilities have the maximum possible benefit from the facilities and the construction thereof. So that's what I spend most of my time looking at. So I received the staff's draft report about a week ago and just completed my review yesterday.

The key thing that I wanted to make — that I've commented on and I've given a memo to Mr. Kaigler and to the County Attorney, I really focused on this question of local economic impact, and on the front end it's trying to assure that you get the maximum bang for your buck as a County Commission and a County taxpayer for the construction of this facility. Because of the size and scope of the project, it can be very difficult to find any one local firm who can handle it, and so you're really talking about bringing in large national companies that have the experience of building detention facilities of this magnitude. And so what I'm recommending is that we, therefore, look at how they're going to impact — how this project will impact the local community at four different levels, the first level being the local workforce and make sure that whichever company comes in here to build the project as a prime bidder will commit that local citizens have the maximum opportunity to work on the project, to actually be out on the site working on the project.

The second level is really at the local small business level, which includes at the prime level what I would recommend is that we ask for whichever company comes in from outside of this community be willing to partner with a local small minority or woman-owned business that will help both that company provide great service here locally and assure that you have local workers working on the project, but then also expose a local small company to the operation of a large company and the idea that hopefully you'll be able to start getting a local small business to be able to grow to overall benefit the local economy in the future.

The third level is at the subcontractor level. What you want — what I would recommend is that whichever prime bidder comes in, that you get them to commit to a very aggressive program of outreach to the local subcontractor community, particularly the local businesses that are owned by minorities and women to make sure that all the small local subcontractors who have great skill sets have the maximum opportunity to work on this project, and then finally I would propose that you also require that same level of commitment and scrutiny to how they're going to involve local suppliers, those who would sell construction supplies and goods to this project. I understand the policy goal of the Commission is to make sure that on all local — on all purchases really, you know, that you have a preference policy in place in your purchasing program for local businesses, and I would just extend that and ask a lot of very tough questions to the bidders who would come before you to make sure that you get that local impact in the economy on the construction of this project.

There's a couple of other key points that I brought up with staff and with the County Attorney that I just want to give attention to. One is the point of certification. I think that if you're going to award a company — reward a company for extending themselves and partnering with a local business that is a minority or woman-owned business, I think you ought to verify who that business is through a process of verifying their — that they are actually owned and operated by a minority or a — a member of a minority group or a woman, and that process is not something that we have to — we don't have to reinvent the wheel or create something. The State of Georgia, for example, has a very good process for certifying minority and women-owned businesses. The City of Savannah has implemented a process. There are nonprofit agencies, such as the Women's Business Enterprise National Committee and the Georgia Minority Supplier Development Council that have excellent programs for ensuring that you have qualified business entities that are actually owned and operated by members of the female gender or minority groups, and I think you ought to require that anybody who is a partner level — at the prime level be a certified business that is also a licensed Georgia general contractor.

And then the other key thing is that I've recommended that we do a little bit more — that the County look at bond alternative programs. Bonding can be a barrier to local businesses participating — bonding capacity. The ability to get a surety bond for the performance of the contract can be a barrier to local subcontractors in participating in this program, and I want to recommend some alternatives to the County staff that the County can implement a bonding alternative program that would be applicable across the board to whichever prime bidder is successful at winning the project.

Commissioner Odell said, a prime bidder should have some program for subcontractors.

Mr. James said, prime bidders do have programs. One of the issues that I — one of the reasons why I wanted the staff to look at adopting a program is to avoid comparing apples to oranges because different prime bidders are going to come with different programs and different recommendations. So one of the ways to not have to pick through and evaluate who's contract — bond contract alternative program works better is for the County to make that evaluation and then say to the prime: Here's the program that we put in place that can apply to all the local subcontractors, and then that way you know that you put something in place that can work as opposed to comparing apples to oranges. That's the only — that's the biggest reason that I would recommend the County kind of look at that at your level as opposed to letting the contractor — the prime contractor dictate how that program would work.

Chairman Liakakis said, Robert [James], when you said you had a proposal instead of the bonding, but we've got to protect the citizens' money, you know, that's going into this particular project — Mr. James said, yes sir. Chairman Liakakis asked, and what are the alternatives to bonding so that we won't have protection for our citizens?

Mr. James said, let me clarify. I'm talking about bonding at the subcontractor level. The bond that the subcontractor would provide to prime. Chairman Liakakis said, yeah, that's what I mean. Mr. James said, but I'm not talking about the bond that the prime would provide to the — no. Georgia law requires that the prime contractor provide an absolute surety bond to the County on this project. So that covers the taxpayers from a risk standpoint. What I'm talking about is the practice that the prime contractor will then shift their risk under their bond that they provided to you. They'll shift that risk to subcontractors by requiring subcontractors to provide a bond, which is actually not required by Georgia law that the subcontractor provide a bond to the prime. The only Georgia — the only legal requirement and the one that protects the taxpayers is that the prime provide a bond to the County. I'm not talking about anything to interfere with that, but what I am talking about is putting some program in place that will ensure that a local business otherwise qualified is not excluded from an opportunity because their balance sheet doesn't allow them to get a traditional surety bond that protects the contractor, that's protecting the prime bidder. Not — we're not talking about anything that has any direct impact on the surety bond to the County and to the taxpayers. So I just wanted to make sure you're clear on that.

Chairman Liakakis asked, so the prime is that — is bonded the entire project? Mr. James said, oh, yes sir. That's a legal requirement that is — Chairman Liakakis said, yeah, well, I wanted to say that because I want other people that are viewing this to understand this that might not be here. Mr. James said, yes sir. Chairman Liakakis said, okay.

Commissioner Thomas said, Mr. Chairman. Oh, I'm sorry. I'll yield to Pat [Shay].

Commissioner Shay said, I had some comments on the score sheet. Chairman Liakakis said, go ahead, Patrick [Shay]. Commissioner Shay asked, is the appropriate time?

Commissioner Thomas said, I just wanted to make one other comment. Chairman Liakakis said, go ahead. Commissioner Thomas said, is the fact that he did allude to some of the things I was trying to say this morning about the required licensing from the State of Georgia, and if that's the case, then the County in my opinion must adhere to that standard as well. And also about making sure that we have inclusions in all aspects: women, minorities, male, whatever. Those were my concerns and I think you have alluded to those very well. Thank you.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, like, Mr. James, I think staff did a good job of putting together a pretty complicated document and the first path's here to score sheet. I share Mr. James' concerns and I have some additionally. When the matter came before us and we were trying to decide what methodology to use and the score sheet and this idea of best value was first presented, I think I was very adamant about what some of the features really needed to be in order to be successful at making sure that we have as much local participation as possible and starting at the grassroots level, meaning the level of the workmen or the work women — I guess the workers on the job themselves, and I find that the score sheet that we're presented with today is very light-handed in those areas. The last two items on the score sheet does contractor have an established community outreach program to engage local workers and businesses with a check yes, nor or if yes please describe. That's only worth 10 out of 326 points. So that means that you could very easily check no and get selected. The minimum requirement, I believe, is 276 points so you could very easily check no to that box and get selected, and I think that's inappropriate. I think, you know, we should make it a hard and fast requirement, not just 10 points, that anybody that's allowed to put in a bid on this project does have a community outreach program specifically to engage local workers and businesses, but also to do the minority involvement as well, and I think we've been presented with some ideas about how those might be structured. I would leave it to the County staff to decide whether we would dictate what the minimum standards were, but I just would say that right now we haven't placed near enough emphasis on that. I think it ought to be a yes-no question and if the answer's no, then I think that you should be excluded from bidding. County Manager Abolt said, pass/fail. Commissioner Shay said, pass/fail. I think that also applies to the bond alternative program for subcontractors because we have a lot of subcontractors in our local area who are not anywhere near large enough to be able to bond millions of dollars in subcontracts. And if we don't provide alternative remedies there, then they will not get this work and they are the ones that are the most likely to hire local workers. The plumbers that are here in this community are much, much more likely to hire local labor in order to get the work performed than plumbers from Oregon. So what we want to do is make sure that we're not only allowing plumbing subcontractors or other subcontractors to bid on this project if they can bond at the very large numbers that we're talking about for the project. And I think Robert [James] has provided us with some guidance on that.

On Item 42 it is written as if this person or organization were actually bidding the construction contract, and I'll tell you why. It says the Board of Commissioners desires a 30% local and minority participation in this project. It doesn't really define what the project is — and I'll come back to that — provide methodology to be used to achieve the goal, okay, the bidder shall be required to submit with the bid the following information, but the truth is until you get around to actually bidding the project, there's no way you can decide what minority and/or local subcontractors you're going to use. You just can't. The process of bidding means that you go out and get numbers from a bunch of folks and then you figure out who your team of subcontractors are going to be. So I would suggest that we use this as an encouragement for them to continue to seek that local and minority participation, but that we also say that in the management of the contract itself, what they're actually providing themselves, that there would that kind of participation because these folks that are going to be answering this score sheet are primarily going to be providing management services to oversee the construction activity itself, and that we would say specifically who then are you going to be using that is from within our community to provide those project management services, and the expectation is that you will provide similar information once the bids are received for all of the trades as well, okay, and I think that is another example of something that needs to have a very much heavier hand in the scoring on a going forward basis.

The last thing is there's a little bit of lip service paid to the lead project experience. Item #23 says for this person or organization to list the project's dollar value lead level on energy commissioning on non-detention facilities. I don't think you can find, you know, many if any other contractors that have done lead detention facilities, but again on the score sheet that gets five points. That gets five out of 326 points and simply checking no and moving on probably still gets you in the dance, and I don't know how much heavier a hand we should exercise there, but I would like to see that be heavier. The main thing is that whatever we come up with, it will be designed to help local workers and local subcontractors — I hate to use this word now — not be excluded from the process. That they are somehow unable to submit their subcontract bids at the end of the day so that they can be selected to do this work, not just because they're local or minority, but because they provide the best value. So those bidders are going to — this is going to be blood thirsty, this competition to get this contract. I mean, there's a lot of hunger out there in the industry right now. They are going to be trying very, very, very hard to be the low bidder because that will clearly be the highest criteria that this Board will be considering. So if we don't have teeth in this process to decide who gets to bid, who gets to come to the dance first, and the idea about looking at other strategies to be able to provide alternative bonding for local subcontractors — not subcontractors from Oregon — that would be something that I think we should incorporate in the document. I think these things can be done. I don't think it's, you know, something that can't be achieved within the next couple of weeks, and for that reason after everybody's had the chance to have discussion, I would suggest that we go back and revisit the document and make sure that we get these provisions more carefully considered in the score sheet and in the process of deciding who gets to bid.

Chairman Liakakis said, Mr. County Manager Abolt, I know you got all excited over that remark, I want you to get with our County Attorney, our engineers and with Robert James to, you know, address these specific things, and I'll ask the Board not to vote on it today, but to bring that back so that this Board is satisfied at the next meeting about those things that were brought up today.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, motion to table. Commissioner Shay said, second.

Chairman Liakakis said, let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

#### **ACTION OF THE BOARD:**

- a. Commissioner Shay moved to untable this item for consideration by the Board. Commissioner Stone seconded the motion and it carried unanimously.

- b. Commissioner Farrell moved to table to the next meeting the request for approval of a best value contracting score card for the Detention Center expansion project. Commissioner Shay seconded the motion and it carried unanimously.

**AGENDA ITEM:** ~~IX-2~~

**AGENDA DATE:** November 6, 2009

**AGENDA ITEM:** IX-2

**AGENDA DATE:** November 20, 2009

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** Michael A. Kaigler, Director  
 Human Resources and Services

**Issue:** To request Board approval of a best value contracting score care for the Detention Center expansion project.

**Background:** The 2008-2014 SPLOST referendum included a project to expand the Chatham County Detention Center. The Board at the October 16, 2009 meeting reaffirmed Staff's recommendation to have the project completed using the design bid build delivery method. Staff indicated that they will be using the best value contracting scorecard evaluation method to ensure that the project is awarded to a firm that meets the Board goal to maximize local and majority participation in the project. Staff was instructed by the Board to present the scorecard to the board at the November 6, 2009 Commission meeting.

**Facts and Findings:**

1. On April 16, 2004, the Commission voted to develop a pilot best value contracting bid evaluation procedure for County projects. County staff with the assistance of DiversiPlex, Inc. has developed a best value scorecard and evaluation procedure to utilize in assessing the qualification of bidders on County projects.
2. The Board has expressed a desire to have as a part of the scoring criteria, a requirement for contractors to provide a fair or "living wage" and health insurance for workers. Pursuant to O.C.G.A. §34-4-3.1(H.B. 59), local governments are prohibited from using contract evaluation criteria to effect contractors' employee wages or benefits.
3. The following items are included in the County's Best Value Contracting Scorecard:
  1. On-the-Job Training
  2. Employee Safety Training Program
  3. Employee Drug Testing
  4. Qualification/Past Performance
  5. Bonding Capability
  6. Utilization of Local Labor
  7. Adherence to County MWBE Subcontracting Goals
4. The criteria referenced above has been incorporated in the Best Value Scorecard for the Detention Center expansion project. The proposed scoring detail is as follows:
 

Financial	(55 points = 17%)
General References	(15 points = 5%)
Experience	(95 points = 29%)
Proposed Project Personnel	(30 points = 9%)
Management Practices	(56 points= 17%)
Local /Minority Participation	(75 points = 23%)

The total number of possible points that can be awarded is 326. In order to be deemed responsive, a firm must achieve a minimum score of 277 points or 85%. Only the firms who achieve the cut-off score will be allowed to submit a bid.
5. The Board of Commissioners adopted a resolution that established a policy to increase participation of women owned, and local businesses through its Purchasing Ordinance and Procedures, Minority Business Programs, Best Value Construction Program and Local Preference Policy.
6. The proposed scorecard provides points under the local and minority participation criteria that recognizes firms who are committed to hiring local workers and who are committed to coming up with innovative strategies to provide bonding alternatives for small local and minority firms.
7. Attached is a draft copy of the pre-qualification scorecard and questionnaire.

**Funding:** No additional funding is required at this time.

**Alternatives:**

1. Request Board approval of the Best Value Contracting scorecard for the Detention Center expansion project.
2. Request Board approval of the Best Value Contracting scorecard for the Detention Center expansion project with modifications.
3. Provide Staff with other direction.

**Policy Analysis:**

Recent changes in Georgia law provide increased flexibility in the delivery method for constructing projects. The decision about a preferred alternative depends upon the unique characteristics of each project, schedule, availability of qualified subcontractors and suppliers, the local labor market and the public policy goals established by the Board.

**Recommendation:**

The Board adopt alternative 1.

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**3. \* REQUEST BOARD APPROVAL OF THE CONSTRUCTION DELIVERY METHOD FOR THE NEW LIBRARY CONSTRUCTION PROJECT. Item was tabled at the November 6, 2009, meeting.**

Chairman Liakakis said, I need a motion on the floor to take off the table.

Chairman Kicklighter said, so moved. Commissioner Holmes said, second. Commissioner Stone said, second. Chairman Liakakis said, let's go on the board. The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, motion passes.

Chairman Liakakis said, alright, Mr. County Manager.

County Manager Abolt said, yes, Mr. Chairman, Commissioner Stone, gentlemen. This sets forth a course of action to manage the next two library branches involving a form of construction technique, referred to as construction management at risk, but also it does establish that Chatham County staff will actually manage the project. This is an innovation on the part of the County. We will deliver to the Library Board a facility they're be just as proud of as the one that the Chairman and others cut the ribbon on earlier this week. We'll be doing something that is very ambitious building the two library branches, a lot of stuff involved, but I sincerely believe that with the ability that we have now in staff, I have an Assistant Director of Building Safety Clifford Bascombe, who's had an awful lot of construction experience before the County hired him. He's already begun meeting with the Library folks so we can deliver a product that they'll be proud of and this Board will be proud of from the standpoint of accountability and getting the best value on the money invested in these two very much needed library branches. I recommend you approve this.

Commissioner Odell said, move for approval. Commissioner Stone said, second.

Chairman Liakakis said, yeah, and let's make sure that the Library, as we have stated, to make sure that they are involved in the design of it because they know about the design because this library that's at the Savannah Mall, it's in, you know, it's a great looking library and it's set up like the citizens could use it, and it's a real great example of how this Board is putting things in place for our citizens. County Manager Abolt said, yes sir. We've already started it. Thank you very much. Chairman Liakakis said, go ahead.

Commissioner Farrell said, under the Facts and Findings you want to try this delivery method to determine if it would be a better solution to maximize local and minority participation. If you go with just this one method, how are you going to be able to differentiate the two? You maybe need to do the design bid/build congruently so that you would have something to compare them to or —? County Manager Abolt said, no sir. Really responding to a question — a response that came from you, sir, you were giving us advise on the way in which this technique would best apply, and I know from experience you said that the best thing is out in the middle of the field with a shopping center, or something like that, as opposed to the Detention Center, and we feel that this is probably the closest in the near term we'll have through a comparable experience you described I think in these two situations we'll be able to show beyond any doubt that the value of doing this in a facility that would lend itself to this type of construction management, and it would be done as another way of delivering back to the citizens a return on their SPLOST investment.

Chairman Liakakis said, and that's where you're going to have the same requirements that we do for other projects, too. County Manager Abolt said, yes sir. I mean, I don't want to say innovative, but obviously this has been done in the past, but it does show this Board is committed through a variety of strategies to not just involve local firms, but also be able to create the deliverables. We have a customer, the Library Board and the librarians, and the Chairman did an excellent explanation of what we all saw when we went through that facility. The library folks should be involved in running an outstanding library. Our folks should be involved in building and managing the construction of that outstanding library.

Chairman Liakakis said, okay, we need a vote. Commissioner Kicklighter asked, may I. Commissioner Stone said, we've already had a vote. Chairman Liakakis said, no, we took it off the board. Commissioner Stone said, no, there was a motion and second. Chairman Liakakis said, okay, go ahead.

Commissioner Kicklighter asked, does this recommendation compensate the people that were, I guess —. No? This has nothing to do with that? Chairman Liakakis said, two different and completely distinct issues. Commissioner Kicklighter said, okay. So questions of like infrastructure and all in the future can be addressed in the future? County Attorney Hart said, yes. Commissioner Kicklighter said, thank you. If y'all don't mind, I'll call for the question.

County Manager Abolt said, this is a policy decision on a technique to manage two projects regardless of where they may be located.

Commissioner Kicklighter said, call for the question.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Shay and Thomas were not present.]

**ACTION OF THE BOARD:**

- a. Commissioner Kicklighter moved to untable this item for consideration by the Commissioners. Commissioners Stone and Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Kicklighter was not present.]
- b. Commissioner Odell moved to approve the construction manager at risk project delivery method for the new Library construction project and adopt the State of Georgia Construction Manual as the blue print for that process. Commissioner Stone seconded the motion and it carried unanimously. [NOTE: Commissioners Shay and Thomas were not present.]

**AGENDA ITEM:** ~~IX-3~~  
**AGENDA DATE:** ~~November 6, 2009~~  
**AGENDA ITEM:** VIII-3  
**AGENDA DATE:** November 20, 2009

TO: Board of Commissioners  
 THRU: R. E. Abolt, County Manager  
 FROM: Michael A. Kaigler, Director  
 Human Resources and Services

**Issue:** To request the Board of Commissioners approval of the construction delivery method for the new Library construction project.

**Background:** The 2008-2014 SPLOST referendum included funding for two new Library facilities to replace existing Libraries that are outdated. The Board of Commissioners has directed County Staff to manage the new Library Branch construction providing a turnkey facility to the Library Board. The replacement Libraries will be constructed on the Westside and Island areas. This staff report will outline the construction delivery method the County will use and a projected time line.

**Facts and Findings:**

1. Traditionally, the County has used the design-bid-build construction delivery method in the majority of its construction projects. There has been a request by several members of the Board to consider using the construction manager at risk as a construction delivery method to determine if it would be a better solution to maximize local and minority participation in the project.
2. The Board of Commissioners adopted a resolution that established a policy to increase participation of women owned, minority owned, and local businesses through its Purchasing Ordinance and Procedures, Minority Business Programs, Best Value Construction Program and Local Preference Policy.
3. Staff is recommending that the construction manager at risk (CM At-Risk) project delivery method be used to build the two new Library branches. Under CM At-Risk, the Board contracts with a construction firm to work with a design team (separate contract) to participate in the design process for cost efficiency and constructability. When the construction documents reach a point of completeness (75 percent to 100 percent), the construction manager provides a Guaranteed Maximum Price (GMP) backed by a payment and performance bond. The CM At-Risk also packages subcontracts to encourage local and minority participation.
4. In an ideal situation, the CM At-Risk comes into the project at the planning stage and has the ability to make suggestions to the design team that may incorporate certain value engineering alternatives to the project to keep this project within the construction budget. Staff is recommending that we solicited for the service of a CM At-Risk simultaneous with hiring a design firm in order to maximize the potential benefits of this project.
5. The County Manager has assigned Clifford Bascombe, Assistant Director, Building and Safety and Regulatory Services, to be the County's representation and liaison with the Library Board. His primary duties will be to supervise the CM At-

Risk, act as liaison between various Architects, Contractors, Engineers, and the Library Board; responsible for providing status reports to the Board; review, monitor, and approve contractors schedules and applications for payment; review bids and proposals with CM At-Risk, Design Team for compliance with the contract documents and determine ones to accept.

- 6 The construction manger at risk delivery method is not included in the Chatham County Purchasing Ordinance and Procedures Manual as a current method used by Chatham County Government. The State of Georgia has revised the Georgia Code dealing with public construction projects and has developed a Georgia Construction Manual that prescribes the best practice for planning, designing and building facility for use by State entities. Staff is recommending the Chatham County adopt the State of Georgia Construction Manual as a process guide or handbook for the construction program. The manual will not supersede or override any Chatham County Policy. The manual is a "how to" and describes the flow of the construction process from planning to design to construction.
- 7. Attached is a tentative schedule to hire a design team and construction manger at risk for this project.

**Funding:** No additional funding is required at this time.

**Alternatives:**

- 1. Request Board concurrence with Staff recommendation to use the construction manger at risk project delivery method for the Library Construction Project and adopted the State of Georgia Construction Manual as the blue print for that process.
- 2. Provide Staff with other direction.

**Policy Analysis:**

Recent changes in Georgia law provide increased flexibility in the delivery method for constructing projects. The decision about a preferred alternative depends upon the unique characteristics of each project, schedule, availability of qualified subcontractors and suppliers, the local labor market and the public policy goals established by the Board.

**Recommendation:**

That the Board approve alternative 1.

**ATTACHMENT 1**

**TENTATIVE TIMELINE**

TIME TABLE FOR A/E & CM at Risk CONTRACTS

Clarification of Project Description and Services (Project Manager)	3 WEEKS
Preparation of QBS Solicitation ( Purchasing)	2 WEEKS
Advertising / Pre-Proposal Conference Issues (Purchasing)	4-6 WEEKS
Receipt / Distribution /Evaluation of Proposals ( Purch.& Evaluation Committee)	3 WEEKS
Interviews of "Short List" firms (Evaluation Committee)	3 WEEKS
Negotiation of final Scope of Services and Fee ( Project Manger )	2 WEEKS
Recommendation / Approval by Board (Project Manager & Purchasing)	2 WEEKS
Execution of Contract (Purchasing)	<u>3 WEEKS</u>
TOTAL TIME	22-24 WEEKS

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**4. \* VERBAL REPORT ON FRANCHISE FEES COLLECTED IN SSD. Item was postponed at the November 6, 2009, meeting.**

Chairman Liakakis said, I need a motion on the floor to take it off the table.

Commissioner Stone said, so moved, Mr. Chairman. Commissioner Holmes said, second.

Chairman Liakakis said, let's go on the board . The motion carried unanimously. [NOTE: Commissioner Shay was not present.] Chairman Liakakis said, the motion passes.

County Manager Abolt said, Mr. Chairman, and members of the Board, very quickly in the interest of time. The Georgia Power folks did respond to the question as far as the amount of money they can show they collected in franchise fees from customers who do not reside in a city or municipal limits. That was \$3.1 million. We are awaiting information from Atlanta Gas Light. I would concur in a memo that we sent out late last night authored by Mr. Monahan relative how you may wish to attack this situation legislatively. It is, at best, an upheld battle and one of the most significant part of Mr Monahan's report is that Chatham County joins only five other counties that have a special service district. So it's very important to get our message across in Atlanta from the standpoint of changing the law. We acknowledge up front we'll be a few of the few from the standpoint of the remaining 153 counties that do not have a special service district plus we anticipate objections and resistance from the Georgia Municipal Association. But the fact of equity is very clear and loud that money is being collected from customers who do not live in the city and does not live in any type of municipal limits and does not benefit the Special Service District in which these customers reside.

Chairman Liakakis said, yeah, so we want everybody to fully understand this, that what — like the Georgia Power Company is doing. They are collecting money from the Special Service District people franchise fees and then what they're doing, they're distributing those fees to the City of Savannah, not to the County SSD district, which is really out of order, and that's why I brought it up along with other Commissioners that we're going to push really hard so all of these utilities that they charge the franchise fees because you take the telephone company, for example. They're using public right-of-ways to make themselves a profit, and they should be paying franchise fees for that and that money should be distributed to the SSD district people, you know, and other thing with the gas company also, and any other utility that is in operation. So anyway, we need to vote on it then.

County Manager Abolt said, unless told differently, unless told differently staff —. Chairman Liakakis said, okay, because you're just following your orders, right. County Manager Abolt said, we're pursuing a course on one of the top priorities of your legislative agenda with Mr. Hughes to initiate the necessary changes in State law.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, okay, so we know for sure that the folks in the unincorporated area have collected and distributed \$3.1 million from their electricity franchise fee. What do we know about the other utilities at this point and when will we know — get more information? County Manager Abolt said, we await the information from Atlanta Gas Light. I'll have to defer to Mr. Monahan who's done an excellent job of bird-dogging this. Pat [Monahan], tell us please.

Mr. Monahan said, as best that I can tell and also in talking to representatives from AT&T, AT&T is not collecting that charge in the unincorporated area at all, so AT&T is not, the Telecommunications part of it, would be not part of the issue; however, I do have a conference call set next week with Atlanta Gas Light to talk about the charges in the unincorporated area. It was a lot easier for Georgia Power to make that calculation because there's a differential in the rate. If you're a customer within the City, you're charged 2.9%; if you're a customer in the unincorporated area, you're charged 1.1% gross of your bill so they can just run easily the software because there's a differential in the rates, and we did talk to the Georgia Power representative. Georgia Power takes it seriously in that it, you know, checks annexations during the year and Georgia Power makes an extraordinary effort to collect the data to keep that segregated. I don't know that Atlanta Gas Light goes through that same process.

Commissioner Farrell said, well, again I want to reiterate that I'm very interested in quantifying this iniquity and we, you know, jointly with the other Commissioners need to seek out a solution going forward so that there is equity, you know, amongst all taxpayers in this County. Thank you.

Chairman Liakakis recognized Commissioner Odell.

Commissioner Odell said, basically what we have, we have monies being taken from the citizens of the unincorporated area and distributed to the people of the various municipalities, and the various municipalities obviously are going to oppose that because they are getting funds from people who pay it that don't live in their service area, and we have, what, six others, five others. I don't know. I really think that there's something that doesn't pass the smell test, and I can collect in one area and distribute in another. If I can have right-of-way in one area for about 70,000 to 80,000 people and then distribute it in another area and then have the other areas have a voice as to the distribution.

County Manager Abolt said, if I may on this. Special Service District is exporting — exporting revenue. We are taking revenue collected from the citizens of the SSD and it's going to other jurisdictions. Add to that the amount of LOST revenue we do not receive in the SSD because we don't qualify. Those two figures now round up to \$4,000,000 on this at least and add 11 —, you're looking at over \$15,000,000. Over one-half of your SSD budget that could be funded through stuff like this is being denied because that money is going elsewhere. That is the —.

Commissioner Odell asked, can we do this? The people in the SSD need to be better informed as to this. I cannot believe that 70,000 to 80,000 people in our Special Service District would agree that it's fair for them to be taxed and the benefit to be paid somewhere else. If we make them aware of this taxation without representation, I think it becomes key in the hearts and minds of every State official, elected official who represents portions of the SSD. How can you sell it to your constituents that we're going to take money from your area but distribute it somewhere else. That's a sales job that cannot be done.

County Manager Abolt said, the other thing you have, and you do it so well, all the Commissioners understand what it's like in Atlanta. We heard a little bit of this a couple of days ago in Ludowici with the 12<sup>th</sup> District Meeting, but if you look at page four of Mr. Monahan's report, there are only, like I said in my opening comment, six counties of 159 counties that have a comparable experience. So when you're trying to get the attention beyond just the 80,000 people in the SSD, when you go to the halls in Atlanta and you're trying to lobby for something, there's nobody with us, and that is the consequential situation when we try to handicap the success to be anticipated when we push the legislative chains. We know the Georgia Municipal Association will agree with it — they'll be opposed to it, and then we go to the ACCG and ACCG says whoa, wait a minute —. Commissioner Odell said, we don't want to get in this fight. We haven't got enough people. County Manager Abolt said, for six counties out of 159 counties.

Commissioner Odell said, that's why I think at some point it's going to be resolved by the courts. I do not think it's constitutional and just because a law is made, does not make it constitutional. I see a serious problem in my being able to take money from the SSD, collect money in the SSD and distribute it somewhere else, and that be fair. I just have a problem with what that resting in equity as being something that passes the test of being constitutional. And this is an issue that we can't afford to lose, whether it be with our representatives or whether it be in the court system, and the reason is that we have a substantial shortfall in SSD that this solves. This solves the shortfall in SSD, and it's not like the money is a new tax. The money is already being collected. They're taking money from us and giving it to somebody else, which —.

County Manager Abolt said, if I may, I described the SSD budget as a train wreck. This puts the train back on the track. If you look at my budget proposal, I had to cut a million plus out of the departmental requests and we took over \$3,000,000 plus in fund balance to balance. Just pure coincidence \$4,000,000 — \$4,000,000 to \$5,000,000.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, well, it's my objective to get some hard and fast information about where these inequities are, pass them along to all of our constituents so that they know what's going on, and it is my hope that all of our local delegation, who has the ability to make a reasonable attempt to right these wrongs, and that they will take this seriously and try to do something about it. As best as I can figure, these are all creations of the state legislature that put all this in motion and is transferring the wealth from the Special Service District over to municipalities with no benefit whatsoever indicated from the folks that are giving up their hard earned money and sending it over to the municipalities. This wrong has got to be corrected and now is the time. It will not cost the State of Georgia one penny to fix this mistake, and I do believe it is a mistake that needs correcting and it needs correcting now, not to be studied and worked on for the next five years. It's now is the moment. Thank you.

Chairman Liakakis said, what I'm going to be doing is contact those other counties that have their legislators join up with us.

**ACTION OF THE BOARD:**

Commissioner Stone moved to untable this item for consideration by the Commissioners. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Shay was not present.]

**Related to AGENDA ITEM: VIII-4  
AGENDA DATE: November 20, 2009**

**DATE:** November 19, 2009

**TO:** Chairman and Members of the Board

**FROM:** R. E. Abolt, County Manager

**SUBJECT:** Late Breaking and Very Important Information regarding Franchise Fees

Ladies and gentlemen, the attached from pat monahan relates to agenda item VIII-4 and is most important. It's also relevant to underscore that including us there are only six counties in the entire state that have a comparable special service district!

By copy of this I'm advising Lee Hughes and Jon Hart.

REA:fqr

Attachment

cc: Lee Hughes, Legislative Liaison  
R. Jonathan Hart, County Attorney  
Patrick C. Monahan, Assistant County Manager

**DATE:** November 19, 2009

**TO:** R. E. Abolt, County Manager

**FROM:** Pat Monahan, Asst. County Manager

**SUBJECT:** Strategy to Amend State Law on Franchise Fees

In follow up to the Board's legislative priority to seek authority for counties with unincorporated areas special service districts to negotiate agreements for franchise fees, I provide the following:

1. Staff has identified the five other counties in Georgia with unincorporated area special service districts (see Attachment 1). I culled the list from the Department of Community Affairs database on counties which levy a tax for special service districts.

2. Attachment 2 shows contact information for each county. I plan to contact each administrator about Chatham County's plan. If Commissioners recognize names of fellow commissioners who they serve with on ACCG committees, they should also make personal contact.
3. County Attorney Jon Hart and I will draft the legislation to amend state law. A letter will be sent from Chairman Pete Liakakis to each member of the legislative delegation and request that some member(s) sponsor the bill. The bill will be tailored to counties with unincorporated area, either directly or by contract, similar to that of a municipality (i.e. police, road street maintenance, trash collection, planing and zoning). This will avoid the argument about counties attempting to double-dip and collect the franchise fees countywide.
4. Besides identifying counties, I will also identify the Senate and House representatives which serve them. A letter will be sent from Chairman Liakakis to the Chairman of each county and ask that members of their delegation also sign to co-sponsor the legislation. I am hopeful that somewhere in the mix of representation, one of the legislators will be a senior-ranking members of the House or Senate (i.e. Rules Chairman, Committee Chairman).
5. While I cannot research the impact to each county, I will note the impact on Chatham County's unincorporated special service district as an example. As you know, Georgia Power has determined that \$3.1 million in fees are collected from unincorporated area residents, businesses and industry as part of their electrical bill, but the fees are distributed to other municipalities based on a negotiated franchise agreement. I will be on a conference call next week with Atlanta Gaslight Resources to help determine the amount of franchise fees collected for natural gas service but distributed to municipalities.
6. I will also develop a one-page "Fact Sheet" which will be provided to each county when questions arise. I do not expect that Chatham County's strategy will pass quietly since it will redistribute money which cities now receive.
7. It is likely the Georgia Municipal Association will vehemently oppose the legislation. While the bill would only affect six counties, other counties with large unincorporated area might implement unincorporated area special service districts as a way to collect the fees. One clear advantage of an unincorporated area special service district remains fairness since it removes any question of double taxation.



County Attorney Hart said, we also need to retable the information. Chairman Liakakis said, I need a motion first to approve this report on this franchise. Is that what —. Oh, no, bringing this off the SPLOST report. County Manager Abolt said, no sir. I'm sorry, I apologize. You're way ahead of me. You don't have to do anything on the franchise fees. You received that as information and you know what you're going to do. The other thing is you tabled, it was only for information the first quarter financial report. As I understand, Commissioner Stone has questions about the Teleride expenditures and the anticipated need to shift a half a million dollars into the Teleride expenditure. That was the issue.

Commissioner Shay said, we're about to recess and then we'll come back to that item when we come out of recess. Is that not —. County Manager Abolt said, yeah, that was my understanding. You were recessing —.

Chairman Liakakis said, yeah, we'll do that because we need a motion on the floor to go into Executive Session. County Manager Abolt said, personnel, litigation and land acquisition. Commissioner Odell said, so moved. Commissioner Thomas said, second. Let's go on the board. The motion carried unanimously.

Chairman Liakakis said, we'll be out shortly.

The Board recessed at approximately 12:15 p.m., to go into Executive Session.

Following adjournment of the Executive Session, the Board reconvened the meeting of the County Commission.

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### **VIII. TABLED/RECONSIDERED ITEMS (Continued)**

#### **5. \* FIRST QUARTER FINANCIAL AND SPLOST REPORTS. FOR INFORMATION ONLY. Item was tabled at the November 6, 2009, meeting.**

Chairman Liakakis said, we need a motion to take it off the table.

Commissioner Shay said, so moved. Commissioner Stone said, second.

Chairman Liakakis said, we have a motion on the floor and a second to take it off the table. Let's go on the board. The motion carried unanimously. Chairman Liakakis said, the motion passes.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, ladies and gentlemen, this is as always an information report we put before you every three months. This coincides with your first quarter report for this fiscal year. My understanding was that there was a question raised about Teleride and the need to shift an estimated \$500,000 to cover budget shortfalls. That was the reason why this information was put on the table in addition to having to get your work done in time to meet with the legislative delegations two weeks ago.

Commissioner Stone said, thank you, Mr. Chairman. I just had a concern as to how we were going to handle this. I understand the need, the valuable need that the Teleride provides to the citizens of this community, but it was a little bit alarming to see that we're a half a million dollars short.

Chairman Liakakis said okay, from your finance people and all, Russ [Abolt], what can you tell us about this situation right now because we need yours and your staff's.

County Manager Abolt said, I can tell you that I was equally alarmed, as was Ms. Cramer. Mr. Odimgbe has a plan to correct this going forward, but this has got to cease and desist because for years now there has been a blank check written by the M&O to cover Teleride, which is a very legitimate service, but it's extremely difficult, if sometimes not possible to give you a fair budget proposal in July and have this type of midyear and sometimes end of the year surprise, and I realize it's been conflicted because of problems in the condition of the fleet and other things that Mr. Odimgbe will address, but from a management standpoint, we can no longer tolerate this type of increase in the budget for which we have no early warning other than the fact to say you've got to pay it.

Chairman Liakakis asked, well, what is your — you and your staff's recommendation? I'll call on them, but I mean that's important for this Commission to know. County Manager Abolt said, my recommendation in effect is that CAT, who Mr. Odimgbe, who I have a great deal of confidence in, would not only take steps to eliminate this sense that somehow the County will always cover the cost and give us early warnings on any problems from the standpoint of budget overruns and, more importantly, as best as possible, to give the Transit Board, and subsequently you, a fair budget for what it takes to run Teleride. I'm not speak against Teleride. A substantial management Teleride causes the problem. I believe Mr. Odimgbe could solve that problem.

Chairman Liakakis said, Charles [Odimgbe], come forth.

Mr. Charles Odimgbe said, thank you Mr. Chairman, thank you, Commissioners. The issue of Teleride, you know, I apologize about it being over budget and financial management issues. I really think that the line item itself was underfunded to begin with, and that's why I provided the Commissioners with the information that was given to you so you can form a line of conversation. First and foremost, we had about a \$1.7 million earmarked for this particular project. That was based on a proposal given to the Commissioners before Veolia came onto the scene and that was the amount of money that we were working with. Just to break it down, \$1.5 million goes to actual services provided on the street with approximately \$200,000 of that is earmarked for diesel fuel, which is going to run directly through the

County. When these surfaced, I went back and I looked at the contract again. The contract does have all the items in it that I do not believe were identified in the budget, like the property challenge that we have right now. Based on the contract, most of the past costs include items like a rental cost for revenue service items, like major repairs, and also all of the [inaudible] that First Transit provides in support of their service.

These items are not small ticket items at all. Just to give you some examples, the first four months, just the first four months of this year the major repairs alone cost us about \$36,000 of the current budget and also the over limits service hours where when you first provide any service over 2,900, he gets the charge for that. That — there was no projection as to what those hours will be regionally, so they just budgeted it on a straight line 2,900 hours. Those over limit hours correspond to about 166,000 for the last four months of the fiscal year. These are no small dollar items. That's what's running up your cost. You know, it's not an issue of financial monies, per se, it's just that in identifying the cost of whatever reason, there was a straight line calculation that was done and did not take into account some of this nuances and things that may or may not happen, and, you know, my suggestion is going forward that the Board be apprised of the total cost, and in fact I'm currently working with Michael [Kaigler], you know, on what, you know, moving forward how we're going to take care of this matter. The way we're going to take care of this matter is on the [inaudible] at least for the rest of the fiscal year just give a fee for the total cost of running Teleride so that the County doesn't [inaudible] surprises on a month to month basis.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, Charles [Odimgbe], the contract that you keep talking about is a contract between Chatham County and First Transit. Is that not correct? Mr. Odimgbe said, that's correct. Commissioner Shay said, so basically you're telling us about your efforts to manage a contract that is between the County and First Transit. Mr. Odimgbe said, that's correct. Commissioner Shay asked and that contract ends soon? Mr. Odimgbe said, December 31. Commissioner Shay said, pretty soon. The annualized budget shortfall is shown as being \$500,000. If the contract ends December 31, that will be half of a budget year, so that means that we would be at that point on the order of \$250,000 behind? Mr. Odimgbe said, no. Commissioner Shay said, no. So the annualized budget shortfall is not \$500,000? Mr. Odimgbe said, the annualized budget shortfall is \$500,000; however, there is a discrepancy between a payment that is occurring right now. We do not bill the County on a monthly basis. We bill quarterly. So the next quarter billing is going to see a substantial amount and that quarter invoice is paid, then your assumption is correct. The shortfall for the rest of the year will be \$250,000 because it will be in this next quarter.

Commissioner Shay said, I'm just, you know, when you say we invoice, who is we? Mr. Odimgbe said, CAT. Commissioner Shay said, CAT. Mr. Odimgbe said, [inaudible]. Commissioner Shay said, I just wanted to make sure. Mr. Odimgbe said, CAT pays and the County reimburses CAT. Commissioner Shay asked, what incentive do we have to continue with this contract, all things considered? It seems that we're losing ground in this contract with First Transit to operate Teleride. Mr. Odimgbe said, the incentive I'm offering, that I can offer, being an employee is that I would [inaudible] is the management agency, that we'll be more than happy and willing to take on the service at least for the remainder of the fiscal year. Having identified these budgetary impacts, if we budgeted for it, you know, the assurance is that we will really work hard to come within those budgets. Commissioner Shay said, well, I was going to get around to asking if Veolia would be willing to take it over, but are there any incentives for us, and remember we're the County Commission right now and not CAT, is there any incentive for us or any dangerous drawback financially for us — changing the way I ask the question — to let that contract with First Transit expire on the 31<sup>st</sup> of December? Mr. Odimgbe said, I do not see any drawback to that. Commissioner Shay asked, there are no drawbacks? Mr. Odimgbe said, not from my standpoint. Commissioner Shay asked, if we let Veolia manage Teleride instead, then we would have you to hold responsible for that and there would be no other agency to blame would there? It would just be you? Mr. Odimgbe said, all fingers would be pointing my way, yes. Commissioner Shay said, all fingers would be pointed your way, so I understand this from an informational standpoint. I'm sorry that we didn't budget properly for a contract, but I'm an advocate for the fact that we need to contract with Veolia to provide all of these services and then put them under the gun to deliver the services for the amount that we as a Board decide as a policy matter is the amount of money that we want to spend and a level of service that we want to provide. Would there be any objection to that, sir? Mr. Odimgbe said, from my perspective, no. I do have my supervisor back here. Commissioner Shay said, they're hiding way back in the back. Mr. Odimgbe said, and I know somebody is going to [inaudible]. Commissioner Shay said, yeah, well —. Mr. Odimgbe said, I have no objection to that. Commissioner Shay said, that will conclude my questions.

Chairman Liakakis recognized Commissioner Stone.

Commissioner Stone said, I guess this kind of follows on the heels of what Commissioner Shay just said, where is the person in this room that's currently responsible for this budget and Teleride? Where is the person. County Manager Abolt said, it's the person that's your CAT Director, and in this case it's Charles [Odimgbe]. Commissioner Stone said, yeah, but there was — part of that we had a Director of Teleride, who was C. J. Campbell. Where is his replacement? Mr. Odimgbe said, Tanya. She's here, she's back at the office. Commissioner Stone said, well, this is an issue that affects her. I mean, I was hoping that she would be here because the thing that bothers me the most is this was our first warning of this. We didn't get a half a million dollars in the hole overnight, and I would think that if she's running Teleride, she should have been here to answer these questions. I just, as somebody that's responsible for taxpayers' money, don't want to look at something that's already a half a million dollars in the hole. That's — I'm just concerned as to why the person that's actually in charge of this is not here to answer these questions as to how we got here this quickly.

Chairman Liakakis said, Charles [Odimgbe], hadn't she just been on board recently? Commissioner Odell said, less than two months. Mr. Odimgbe said, less than two months. Chairman Liakakis said, yeah, less than two months.

Commissioner Stone said, yeah, but still I would just like to hear from her as to how we got here. That's all.

Chairman Liakakis said, well, I don't know if she knows, but that other person that was here, that was their responsibility to bring it to you when you came on board —. Mr. Odimgbe said, that's correct. Chairman Liakakis said, — at that time

because the new person has been about a month and a half, I guess about six weeks really, and so she wouldn't know all of these reasons, and Helen [Stone] is right that we should be knowing things before this about shortfalls that we have, especially in Teleride. Mr. Odimbe said, there's no doubt in my mind that the Board should be appropriately informed and on time. There's no doubt in my mind. It's just that, you know, [inaudible] perspective they just provided service and if anybody — if you're familiar with CAT transit service, it's one of the most sensitive things that we do. It's really very difficult to —.

Commissioner Stone said, I'm not here to criticize, I'm just here to get answers, and it disturbs me that I don't know how long C. J.'s replacement has been on board — one month, two months — but she has to have known by taking this role over what the status quo was, and I think that she should have reported that to you immediately, and she's not here to answer the questions and the concern that I have, and that's why right as we sit here today we're a half a million dollars in the hole. It could be more, but I just — that is my concern is the person, whether it was C. J. Craig [phonetic] or this new person, somebody knew that this was going on and it should have been reported to you so that you could have brought it forward to us. Mr. Odimbe said, and that is true, but if I may remind the Commissioners also that during one of the CAT Board meetings and that's why I recommended that we do a month to month budgeting because that was — some of these things would become apparent earlier on than to wait until the quarterly when, you know, these things are exasperated. So when you look at the whole schedule it is in line with the month to month because it took — when I started looking at this and that's when it dawned on me that we wouldn't be able to finish the year with the current amount of funding that's in the line item.

Chairman Liakakis asked, so Charles [Odimbe], what you're saying then we're okay until the end of December right now for Teleride but —, is that right or do we need that money right away, you know, portions of it? Mr. Odimbe said, we need that money right away because they have two impacts. One is CAT has already expended the funding in terms of paying First Transit and, in fact, part of my discussions with Mr. Kaigler is to hold back on payment until we go through all of the processes that we are going through right now, but we do need the money. If the County needs the money right now, if the County would be able to reimburse CAT for the quarterly payments that are due at this point.

Chairman Liakakis said, go ahead, Patrick [Shay].

Commissioner Shay said, I'm just —, Commissioner Odell. Commissioner Odell said, no, no. Commissioner Shay said, one of the questions that I asked first was because this is a little bit difficult for me to understand is the report from Finance is based on current activity, the estimated annualized budget shortfall is \$500,000. Are we \$500,000 down four months into the year or are we down a certain amount that if you spread it out and continued to do the same thing for 12 months, it would end up being \$500,000.

County Manager Abolt said, that's it. When Ms. Cramer comes to you and I come to you every three months, the first three months into it we've got a problem in CAT. We're bringing it to your attention and nothing that I've said, and I know you understand reflects on Mr. Odimbe and his management style or his competency. In fact, I've told him in front of his bosses from Veolia how much I appreciate him. This can be solved. We're just saying right now it's in bad shape. It's in bad shape because repeatedly we've had poor estimating when it comes to budget preparation in the Spring of the year. So when I submit to you the Chatham County Commission my total budget, there's a line item we anticipate to cover Teleride, and we do understand it's a very dynamic service. It's not saying we can guarantee there will be so many calls per month for 12 months. We try to estimate based on the figures from CAT. In the last quarter of the fiscal year, not in the first quarter, they come in and say they have overspent by \$500,000. That's kind of the luck of the draw given in nature of the service, and that is digestible, but three months into this new fiscal year having half a million dollars staring at you annualized, is a big gulp.

Commissioner Shay asked, are we being asked to consider transferring \$500,000 now? Commissioner Stone said, that's why I brought it up.

County Manager Abolt said, you can ask the question of Ms. Cramer. She is probably here or will be quickly. It will occur during this budget year and it will depend upon when our obligations come due, but more importantly the conflict we now have [inaudible].

Ms. Linda Cramer said, what this report shows you is that at the end of the quarter we were over budget in that category 32% of our budget. What you will also see in our fiscal '09 report is that we received the actual billings from CAT later on — I think we got them in September. We didn't come back to you to do a budget adjustment for FY09 so we're over-budgeted on that department line item for FY09. When we saw the budget variance, Charles Odimbe was kind enough to sit down with me and try to explain things to me so that we could try to prepare ourselves for going forward for the rest of the fiscal year, what the impact would be. If we continued with the current contract and the current expenditure levels that we're experiencing, you know, we are estimating about a half a million dollar budget overrun at this time through the end of June. So, you know, the question is when First Transit ends in December, what are you going to do and in what dollar level are we going to move forward in. I think we are, Charles [Odimbe] and I are both assuming we're going to continue, maybe I'm putting words in his mouth, but continue as a similar expenditure level because, you know, maybe these are the actual costs of the service. The cost of the service have been pretty flat over the past few years probably because of the changes in management and the financial management at CAT.

Commissioner Odell said, so the bottom line, Charles [Odimbe], is that we're looking not \$500,000 through Teleride, January 1<sup>st</sup>, 2010, we're looking at approximately \$250,000. Mr. Odimbe said, you can study that way. The way I presented it to the County staff is that Teleride line item needs additional \$500,000 for over 12 months. Commissioner Odell said, over 12 months, and in that they will not be here for 12 months, half of that is reasonable. Is that true? Mr. Odimbe said, well, I'm not separating —. Commissioner Odell said, I understand what you're saying. What you're saying, if I'm hearing correctly, is that that line item was under-budget at the beginning of the budget. Mr. Odimbe said, that's correct. Commissioner Odell said, and the simple fact that we put a hat on it and call it First Transit, it doesn't mean that the services underlying that cost will go away if we call it Veolia. Mr. Odimbe said, that's correct. Commissioner Odell said, that the services that generate or produce that cost in Teleride are going to be about the

same. Mr. Odimgbe said, or even more. Commissioner Odell said, even more. There are some deficiencies that hopefully we will achieve by having Veolia handle Teleride we can reduce if not eliminate some duplication of services, especially administrative. Is that a fair statement? Mr. Odimgbe said, that's a fair statement and I can — if I can add to that and hopefully Ken doesn't kill me for saying this, Veolia right now, the service costs for only 2,900 hours for the first fee rate and it didn't over 2,900 hours. It's a separate fee rate and that's the part that is not budgeted. Veolia, based on the funding principles that we've currently developed is looking at allowing the County up to 4,500 hours. Commissioner Odell asked, so we can go from 2,900 to 4,500? Mr. Odimgbe said, yeah, without having any assessments on a different rate, and what I'm saying that we need to budget for at least that amount, but again I have to emphasize that the propensity is that we will make the service better, and once we make the service better ridership is going to grow, and it is a direct driver of course. Commissioner Odell said, and we're going to be able to merge some of the other services like now we have a separate maintenance facility for Teleride, whereas CAT can assume — presume those maintenance responsibilities. Is that —? Mr. Odimgbe said, that's correct, and we are working on some of those economies [inaudible] right now. Commissioner Odell said, and so ultimately although the light at the end of the tunnel is an oncoming train, it's slowed down. It's not coming as fast and hopefully will not be as devastating.

Commissioner Odell said, we had talked several months about Veolia assuming the responsibility for Teleride. In that regard, can anyone tell me whether or not there is any notice requirement that contractually we must give First Transit to terminate our relationship? Mr. Odimgbe said, Michael [Kaigler], you need to speak to that.

Mr. Kaigler said, that contract ends December 31<sup>st</sup> and we have to give them notice if we intend to extend the contract, but we are finished with the guiding principles if the CAT Board signs off on them at the next meeting, and we'll give them notice that we don't intend to renew. Commissioner Odell said, okay.

Chairman Liakakis asked, Mike [Kaigler], there's no time element in that because that's really important. If we get — in other words, we're telling them that we are ceasing our service with them. We don't have any kind of time element in there that we're required to let them know that ahead of time? Mr. Kaigler said, no sir. The contract expires December 31, and we've already had discussions with them and that we don't plan to renew.

Commissioner Odell asked, so it's not an automatic renewal? Mr. Kaigler said, no sir, it's not automatic. Commissioner Odell said, this is the end of the road and if we wanted to extended it, we'd have to notify them. Mr. Kaigler said, that would be the issue. If we want to extend with First Transit, we'd have to notify them. That would be time sensitive.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Odell said, I just wanted to say one last thing. Chairman Liakakis said, go ahead. Wait a minute, hold it just a second. Commissioner Odell said, Michael [Kaigler], it is really good taste to dress like one of your Commissioners. Mr. Kaigler said, thank you, sir.

Chairman Liakakis said, Dean [Kicklighter], go ahead.

Commissioner Kicklighter asked, how many employees actually comes along with that contract to manage the bus system? Mr. Odimgbe said, right now they have a total of 38 employees. That service is not by particular contract. You know, I cannot begin to make a determination. It means I'm making some presumptions that I don't want to make. Commissioner Kicklighter asked, are they actually here — 38 people actually here? Mr. Odimgbe said, supporting our service right now, yes. Commissioner Kicklighter asked, and is that including their drivers? Commissioner Odell said, yes. Commissioner Kicklighter said, okay. How many actual office people? Mr. Odimgbe said, I don't have that number right off. I can get that number. The fee that we pay them, are they paying the bus drivers also out of that fee? Mr. Odimgbe said, that is correct. Commissioner Kicklighter asked, what is that fee? What is that amount, total? Mr. Odimgbe said, it varies from month to month because again you have to pay them 2,900 hours, we also pay them at \$25.07 an hour, so it varies from month to month. It depends on the number of ridership. Commissioner Kicklighter said, I mean, give me a guesstimate of —. Mr. Odimgbe said, I would say about \$180,000 a month. Commissioner Kicklighter said, \$180,000 a month. Is there not a way to hire a company to manage this particular part of the system that would base their fees on actually managing the system rather than basing it on hours and we just actually hire bus drivers and pay them, and we hire an executive and pay them not based on hours. I mean, I think you could get a few, you know, brilliant people to run something if you paid them good, and we could quit all this throwing money out the window thing. I mean, is that something anybody has ever thought about? Mr. Odimgbe said, that is a decision that the Commissioners would have to make, but I'm here to —. Commissioner Kicklighter said, I'm not talking about your job, I'm talking about this part here. Mr. Odimgbe said, you know, what I can bring to you is the assurance that, you know, if we —, if you're only against control of this system, you will hear very little about the system and that's what I show that I'm [inaudible]. I'm really going to work on it, I highly support it. Commissioner Kicklighter said, and I do not doubt that whatsoever, but I think we would all like to hear a little about it and not have to double the, you know, the payment on it. So, I mean, I think it would be worth exploring to see why can't some of this go more of an in-house type thing. Why do we have to actually hire out, contract everything out if there's more viable options in house?

County Manager Abolt said, you're at a CAT Board level now. Remember, you're at a County Commission talking about the general budget so any specific operational issues involving a contract or service delivery is the legitimate grist for a CAT meeting.

Commissioner Kicklighter said, well, as a County Commission, couldn't we recommend being we're the ones disbursing the taxpayers' monies from the entire County. County Manager Abolt said, you're the County Commission, you can do whatever you wish to. Commissioner Kicklighter said, thank you, sir. Alright, I appreciate that, and one more last thing. The increase in operations in the expenses so far, has the western portions of Chatham County experienced a decrease in ridership since back when the service was verbally told they couldn't ride? Not western, but everywhere actually outside that one-eighth. Is there a big drop in ridership in those areas since then? Mr. Odimgbe said, no, I think it remained the same. Commissioner Kicklighter asked, it's still the same at this point? Mr. Odimgbe said, it remained the same, yes. Commissioner Kicklighter said, okay. Well, thank you. I appreciate that.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, as a Commissioner I would like to recommend to the CAT Board members that are also Commissioners, what we're talking about, Dean [Kicklighter], and essentially hiring a management company who will then go out and hire the employees directly and manage the system. What we've been doing for a long time now is hiring a management company to hire a management company to go out and manage the system, and I would like for us as a Board to make the commitment to do the larger contract with Veolia and hold them responsible for all of it, and then get a report from this gentleman or his potential successor and be able to sit here and say why are we over and the number of hours because right now we're in this kind of, you know, situation where it's like a daisy chain. We're saying to him you're the one that's the messenger that's telling us that we're over, but then the person that we could ask the questions of why are we over isn't in the room because we're talking to the manager, who's managing our manager rather than talking to the person who's responsible. Commissioner Kicklighter said, I guess my question — Commissioner Shay said, let's do the deal with Veolia at the next meeting.

Commissioner Kicklighter said, and my question would be why couldn't we hire Mr. Charles [Odingbe] and pay him more than he's paid to run the whole show? Why are we paying — we're cutting one middle man, let's cut it — I mean, that's what I want to say.

Commissioner Shay said, we've been there in the past, that's what we've done is we've hired an Executive Director and then tried to manage the whole system ourselves and we've proven beyond a shadow of a doubt over 30 years that we're not really that good at it. Commissioner Gellatly said, don't sugarcoat that now. Commissioner Kicklighter said, he made it sound better than it was.

Chairman Liakakis said, okay. Alright, any other questions for Charles [Odingbe] right now on this matter? Okay, this was for information only, and what let's do then, come back with this because we've got this financial thing that we're going on so that we can go from there with that additional money.

County Manager Abolt said, Ms. Cramer will come back and I'll come back when it's necessary to shift the money. This is just a financial report telling you we've got problems, Houston.

Chairman Liakakis said, right. Okay, thank you, Charles [Odingbe].

#### **ACTION OF THE BOARD:**

- a. Commissioner Shay moved to untable this item and place it before the Commission for consideration. Commissioner Thomas seconded the motion and it carried unanimously.
- b. The item was reviewed by the Commissioners and the issue regarding funding for Teleride will be brought back before the Commission when it is time to shift the money.

~~AGENDA ITEM: IX-7~~  
~~AGENDA DATE: November 6, 2009~~  
**AGENDA ITEM: VIII-5**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Linda Cramer, Finance Director

**ISSUE:** To present the Fiscal Year 2010 First Quarter Report dated September 30, 2009 to the Board for information.

**BACKGROUND:** Financial reporting conveys information concerning the position and activities of the County to its citizens and other interested parties. Interim financial reports generally are prepared for use by professional government managers and board members. Such reports monitor levels of year-to-date operations and determine compliance with budgetary limitations.

#### **FACTS AND FINDINGS:**

- 1) The First Quarter Report covers various county funds and activities, and presents budget-to-actual comparisons. Adopted and amended fund budgets are presented as well as variance data. Prior year numbers are presented for comparison on the General Fund and Special Service District Summary reports.
- 2) The amended budgets shown herein represent budget transfers approved through September 30, 2009. In some cases, subsequent adjustments have occurred. Year-to-date expenditure and project balances are presented. Open purchase orders and outstanding contractual obligations are not included in the year-to-date expenditure amounts.
- 3) On September 9, 2009, Moody's Investors Service upgraded the County's general obligation bond rating to Aa3 from A1 citing a stable outlook. In their rating, Moody's stated that "the upgrade to Aa3 reflects the county's multi-year record of sound financial performance and recently improved reserves supported by strong

management practices. The rating also considers the county's minimal debt position and the stable and diverse tax base.”

4) Notable items include the following:

**General Fund M&O**

- The General Fund received revenues of \$11.3 million through September 30, 2009 and expended \$40 million. This represented 7.5% and 26% of budgeted amounts respectively. Expenditures were higher than cash receipts by over \$28 million.
- General property tax collections were \$5 million. This amounts to 4.2% of budget. The second installment property tax billings were delayed to account for State legislative changes. Billings were mailed on October 10, 2009 and are due on December 10, 2009.
- Sales and use tax revenue constitutes 7.2% of the General Fund's overall budget. Revenues in this category on target with budget estimates through the end of the first quarter.
- Finance has received reconciled inmate billing invoices through July 2009. Records Court staff are currently reviewing the August and September 2009 invoices and related detail.
- Low investment income reflects the low cash balances in the fund and minimal market interest rates.
- Unusual expenditure variances for the following departments are explained below:
  - Temporary Pool – 67% - This department has shown high usage during the first quarter. A usage review is underway that will charge some of the department's costs back to user departments.
  - Other financing uses – 68% - Most budgeted interfund transfers occur during the first quarter annually. This includes transfers to the Solid Waste Fund and the Risk Management Fund.
  - Teleride – 32.6% - Teleride costs under the contract with First Transit are well over budget. This contract expires at calendar year end. Once a new contract is in place, Finance will be requesting additional funding for the service from current Contingency balances. Based on current activity, the estimated annualized budget shortfall is \$500,000.
  - Various retirement payouts – Upon retirement, former employees may receive payment for their accrued leave balances. These payments can be quite substantial, and can cause department budget issues. Finance will be requesting budgetary assistance for some of these departments on future omnibus reports.

**Special Service District (SSD)**

- Through September 30, 2009, the SSD Fund had received revenues of \$1.4 million, 5% of budgeted amounts. Expenditures of \$7.2 million were recorded, 26% of budgeted amounts. Although expenditure levels were \$5.8 million more than revenues, the fund retained a positive cash balance.
- General property tax collections were \$515,391. This amounts to 3% of budget. The second installment property tax billings were delayed to account for State legislative changes. Billings were mailed on October 10, 2009 and are due on December 10, 2009.
- MPC fees collections totalled \$12,776 or 10.2% of budget estimates. This revenue category is influenced by declines in real estate activity.
- The SSD Fund transferred \$678,047 to the Building Safety Enterprise Fund to supplement the fund's operations.

**Multiple Grant Fund**

- Quarterly grant drawdowns should eventually offset the difference between fund revenues and expenditures.

**Problems with Revenue-Dependent Funds**

Three funds rely on building and land sale activity to fund their operations. They are the Land Bank Fund, the Land Disturbing Activities Ordinance (LDAO) Fund, and the Building Safety & Regulatory Services (BSRS) Fund. These funds are experiencing financial stress.

The Land Bank Fund relies on property sales to fund its operations. Since there have been no recent sales, the fund has entered the fiscal year with a deficit. Expenditures of this fund are being held at a minimum.

The LDAO Fund relies on fee collections as its funding source. In periods of low fee collections, the fund has been utilizing its fund balance to make up the shortfall. However, Finance is projecting the depletion of fund balance by mid-year. Staff are making adjustments.

Low building activity levels continue to impact the BSRS Fund. At current revenue trends, it is projected that the fund will require a combination of expanding employee furloughs and shifting personnel to other funded projects.

**Cash Flow**

Cash flow in non-SPLOST funds will be closely monitored over the next two months to ensure the County's continued ability to meet its payment obligations. The property tax billing delay is the major cause for potential cash flow issues. Property tax payments are due in mid-December, one month behind a "normal" billing cycle.

**Capital Project Fund**

- Project accounting schedules are shown herein for all of the County's capital project funds, including the SPLOST funds.
- The County's SPLOST collections are shown on page 59. Collections in the Sales Tax V Fund are \$4.1 million below initial estimates. Finance will continue to monitor revenue patterns for the fund. Original cash flows and project funding levels may require revision if revenues continue at current trend rates.

**Health Insurance Fund**

- Medical costs are on pace with budget through the first quarter. Although retiree health care costs are recorded in the OPEB Trust Fund, their impact is noted on page 34.

**FUNDING:** N/A

**POLICY ANALYSIS:** Interim financial reports provide revenue and budgetary oversight by comparing actual receipts or expenditures against budgeted amounts.

**ALTERNATIVES:** N/A

**RECOMMENDATION:** For information only.

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**IX. ITEMS FOR INDIVIDUAL ACTION**

(Unless the Board directs otherwise, adoption of an Action Item will mean approval of the respective County staff report and its recommended action.)

- 1. REQUEST BOARD APPROVAL OF THE FOLLOWING BUDGET TRANSFERS AND AMENDMENTS: (1) GENERAL FUND M&O TRANSFER \$215,600 FROM CONTINGENCY TO COUNTY ATTORNEY TO OVERTIME, EQUIPMENT AND OPERATING LINE ITEMS AND TRANSFER FUNDS WITHIN THE DEPARTMENT'S BUDGET TO SALARIES, (2) CONFISCATED REVENUE FUND, APPROPRIATE \$2,500 FUND BALANCE FOR THE COUNTER NARCOTICS TEAM, (3) AMEND THE MULTIPLE GRANT FUND TO RECOGNIZE A GRANT AWARD OF \$37,500 TO THE CHATHAM EMERGENCY MANAGEMENT AGENCY, (4) SPECIAL SERVICE DISTRICT, TRANSFER \$38,777 WITHIN THE PUBLIC WORKS BUDGET TO SALARIES AND BENEFITS, AND (5) SALES TAX IV TRANSFER OF \$100,000 FROM DIAMOND CAUSEWAY TO INTERSECTION IMPROVEMENTS.**

Chairman Liakakis said, we need a motion on the floor to approve this.

Commissioner Thomas said, move for approval. Commissioner Holmes said, second.

Chairman Liakakis said, we have a motion on the floor and a second. Question, Mr. County Manager. County Manager Abolt said, yes sir. Chairman Liakakis said, the sales tax board transfer of \$100,000 from Diamond Causeway to intersection improvements. Is that going to be negative for that bridge project? County Manager Abolt said, no sir, no sir. Never, never.

Chairman Liakakis said, alright, fine. We've had a motion on the floor and a second to approve Item 1. Let's go on the board. The motion carried unanimously. [NOTE: Commissioner Stone was not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Thomas moved that the Board approve the following budget transfers and amendments: (1) General Fund M&O transfer \$215,600 from contingency to County Attorney to overtime, equipment and operating line items and transfer funds within the department's budget to salaries, (2) Confiscated Revenue Fund, appropriate \$2,500 fund balance for the Counter Narcotics Team, (3) amend the Multiple Grant Fund to recognize a grant award of \$37,500 to the Chatham Emergency Management Agency, (4) Special Service District, transfer \$38,777 within the Public Works budget to salaries and benefits, and (5) Sales Tax IV transfer of \$100,000 from Diamond Causeway to Intersection Improvements. Commissioner Holmes seconded the motion and it carried unanimously. [NOTE: Commissioner Stone was not present.]

**AGENDA ITEM: IX-1**  
**AGENDA DATE: December 4, 2009**

**TO:** Board of Commissioners

**THRU:** R.E. Abolt, County Manager

**FROM:** Linda B. Cramer, Finance Director

**ISSUE:** To request approval of the following budget transfers and amendments: (1) General Fund M&O, transfer \$215,600 from contingency to County Attorney for overtime, equipment, and operating line items, and transfer funds within the department's budget to salaries, (2) Confiscated Revenue Fund, appropriate \$2,500 fund balance for the Counter Narcotics Team, (3) amend the Multiple Grant Fund to recognize a grant award of \$37,500 to the Chatham Emergency Management Agency, (4) Special Service District, transfer \$38,777 within the Public Works budget to salaries and benefits, and (5) Sales Tax IV transfer of \$100,000 from Diamond Causeway to Intersection Improvements.

**FACTS AND FINDINGS:**

1. The County Attorney has requested a transfer of \$215,600 from contingency. A transfer of funds within the department's budget to salaries is also needed. A staff report is attached.
2. The Counter Narcotics Team Director has requested a \$2,500 appropriation of confiscated funds for an audit of the property room. Funds will come from FY2009 fund balance carried forward. A staff report and resolution are attached.
3. The Chatham Emergency Management Agency has been awarded a grant of \$37,500 from the Federal Emergency Management Agency. Copies of prior Board action and a resolution are attached.
4. The Public Works and Parks Services Director has requested a transfer of funds within the Public Works budget to convert an existing position from part time to full time status. The amount requested is \$38,777. Correspondence is attached.
5. The County Engineer has requested a Sales Tax IV transfer of \$100,000 from Diamond Causeway to Intersection Improvements. Correspondence is attached.

**FUNDING:** Funds are available in the General Fund M&O, Special Service District, and Sales Tax IV funds for the transfers. Budget amendments will establish funding in the Confiscated Revenue and Multiple Grant Funds.

**ALTERNATIVES:**

- (1) That the Board approve the following:

**GENERAL FUND M&O**

- a) transfer \$215,000 from contingency to County Attorney for overtime, equipment and operating expenditures,
- b) transfer \$125,915 within the County Attorney's budget for salaries and benefits formerly paid from contractual services.

**CONFISCATED REVENUE FUND**

Appropriate \$2,500 fund balance for the Counter Narcotics Team.

**MULTIPLE GRANT FUND**

- a) increase revenues and expenditures \$37,500 for a F.E.M.A. Pre-Disaster Mitigation Grant Award.

**SPECIAL SERVICE DISTRICT**

Transfer \$38,777 within the Public Works budget to salaries and benefits.

**SALES TAX IV**

Transfer \$100,000 from Diamond Causeway to Intersection Improvements.

- (2) Amend or deny the request.

**POLICY ANALYSIS:** State law grants the Board authority to amend the budget during the year as it deems necessary.

**RECOMMENDATION:** That the Board approve Alternative 1.

Prepared by: Estelle Brown

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**2. PRESENTATION BY CONSULTANT ON THE FEASIBILITY OF CREATING A STORM WATER UTILITY FOR THE UNINCORPORATED COUNTY.**

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this is an extremely irrelevant discussion. It again goes back to our comments this morning and in months past about the train wreck that we have in the Special Service

District. This is one of the alternative strategies we've talked about in months gone by and when you were laboring over the SSD budget, and when folks like Commissioner Thomas and others kept asking the question what might be a strategy to develop additional alternatives to address the funding problem within the Special Service District, we have a high priority commitment to drainage and drainage improvements. There is a tried and true legitimate way to address that expenditure by shifting it from property tax to a measurable utility. In Georgia it has been in existence for a number of years. I will tell you that 25 years ago in the State of Oregon, which I've done this for a number of years prior, this is an accepted way of attributing costs for direct benefit of service received. It is very consequential and significant to our green program. It's also a way of measuring benefit to the service — for services received directly by property owners. It's part of our commitment to improve stream flow, stream quality and storm drainage runoff. I'm going to defer to Mr. Drewry first. We're going to show you a short public service announcement and then we will have a brief but I know very informative because I've gone through discussion with our consultants who are very impressive to me on what these options are. I would ask for you, if you could, focus your attention on it because come the next meeting, the 4<sup>th</sup> of December, I'll be asking for conceptual approval to continue the process of possibly creating a storm drainage utility for Chatham County Special Services District. Robert [Drewry].

Mr. Drewry said, good afternoon. Thank you. Robert Drewry, Public Works and Parks Services. I want to start the presentation off with a very entertaining public service announcement, a 30-second PSA that straight off the production floor. The actors in it are Engineering Department and produced through Pete Nichols. So please pay attention. It's very good.

[NOTE: The 30-second public service announcement was shown at this time.]

Mr. Drewry said, I thought that would set the stage a little bit. As the County Manager mentioned, the storm water utility concept is nothing new. It's been in the State of Georgia for a number of years. Chatham County hired an ecological planning group to examine the feasibility of a storm water utility in Chatham County, namely for the specific — specifically for the SSD. We have hired an ecological planning group and you will find that they are very knowledgeable and well-experienced, and I'm going to turn it over to Mr. Ron Feldner.

Mr. Ron Feldner said, good afternoon, Board of Commissioners, County staff members. I appreciate the opportunity to come here and speak to you today regarding the storm water management program issues here in the County and also some of the work that's been done in the last few months by our firm, but more importantly by the County staff. They played a very important role in helping us pull together the information you're going to see today. A little storm water management 101: As development intensity and impervious area rooftops, parking lots and so on increases, storm water runoff impacts increase in terms of discharge, velocity and pollutants and so on. So once again, as more intense development occurs, more storm water impacts typically are associated with that. We'll kind of carry that theme through our discussion today.

Some of the impacts of storm water runoff are shown here — water quality issues, flooding issues, maintenance issues, various different things that Public Works and you as a Board of Commissioners deal with periodically as rainfall events occur here in the County.

Our County Storm Water Management Program is broken up into several different elements or activities and then different departments within the County provide the services and activities in a coordinated effort. This is typical of a local government storm water management program in terms of these different elements and activities operational areas. Chatham County, like other local governments in Georgia, faces a resource allocation and procure issues with regard to implementing these activities through the various departments. We've taken a hard look at the service delivery aspects, level of service issues with regard to those different activities, and we've also looked at the associated cost aspects of that, specifically how funds are currently generated and allocated to storm water management services here within the unincorporated and throughout the entire County for that matter, and you can see that the SSD Fund provides a majority of the funding for those activities that are provided by the County Public Works operation. We do have some M&O money that is utilized for Countywide canal maintenance, so you can see that we've got an allocation and breakdown of what those different funding sources currently are. Keep those in mind because we're going to revisit these issues here in a moment on another slide.

Some of the future storm water management program needs that we've identified that we foresee over the next several years for this initial planning period relate to enhancement of our operations and maintenance activities to better maintain and prolong the life of our drainage systems and infrastructure, improving customer service and customer response as issues arise and Public Works and the other departments are able to get out and respond in an efficient manner to this issues that arise with the citizens.

Regulatory compliance. There's a new permit for the next five years. That's going to become enacted here in April of 2010. It's the same permit that you've been under for about 15 years now. This is an ongoing permit process that will continue to see in April of 2010 as the next cycle and, of course, capital drainage projects continue to be a major issue that's funded through SPLOST and operated by the Engineering Department in the County.

The Storm Water Utility Concept. Here is an overview of the utility concept as it's been implemented successfully in Georgia. Once again it has a very water quality focused aspect to it, green development. It formalizes the organizational and financial aspect of a storm water management program through the enterprise fund concept similar to what we see with the water and sewer operation or sanitation operation. Also, it allocates the cost for storm water management and delivery of those services equitably to all developed parcels within the jurisdiction. So any parcel that contributes runoff to the drainage system is provided services by the County, it pays its fair share of that cost of delivering the service. As we said, it functions as a user fee based system similar to the other public utilities that we're familiar with and, very importantly, it provides a consistent and stable revenue stream annually for budgeting and program implementation such that it improves the service delivery efficiency and consistency from year to year.

Storm Water Utilities in Georgia. You know, for about 10 years now different local governments throughout the State have identified the storm water utility concept as a viable approach with internal storm water management program

needs and priorities while at the same time enhancing service delivery for the external customer and citizen, and Griffin was the first storm water utility in 1998. My most recent list I've developed indicates there's about 40 storm water utilities here within the State. I've personally been involved in the set up of seven of those 40, and I see a continuing trend of more communities transitioning storm water management program services from a tax-based system to its user-based system which, of course, is more equitable. Locally here at Garden City and Hinesville have taken the step in moving with development and implementation of a storm water utility. There's other communities here in the central and southern part of the State that are considering it or are in the process of setting it up. We recently had a meeting, the County staff and myself with the City of Savannah, who is also contemplating a storm water user fee approach to address storm water management program issues as well.

From a statewide perspective, our friends at ACCG are big proponents of this, and this is one area where ACCG and GMA do see eye to eye, that the need for additional resources provided to local governments to deal with mandates from our State government, our Federal USEPA [phonetic], and local customer citizens' issues and needs does provide that mechanism which successfully address those issues. Our statewide water management plan that came into play back in January of '08 addresses the issue of storm water utilities as a viable option to utilize, as well as the coastal comprehensive plan.

We've looked at two different rate structure options. To break them down very simply, the first option deals with the customer paying a cost per unit area or per 100 square foot of impervious area on their parcel. We've identified a preliminary rate to support our desired and projected level of service that we have recommended that the County implement over the next five years regarding storm water management. The closest example to this particular option is the Columbia County storm water utility, which we'll talk about here in a few moments about its court case that it went through back in 2004. The second option is a very common approach where a flat rate residential charge or a per equivalent residential unit charge is applied to storm water customers within a jurisdiction. Garden City has this approach where each individual residential property is charged a flat rate per month and then nonresidential customers are charged a per 3,000 square foot increment. So there's different ways to address this. Both of these methods are legally sound. It comes down to a policy decision by the Board in terms of which approach is best suited for Chatham County.

Some billing rate comparison information here between existing storm water utilities here in the State, as well as the recommended rate structure and billing rate for Chatham County, you can see that our cost per unit area or per 100 square foot compares favorably with Garden City and Hinesville, Gwinnett County being higher because of a storm water program issues and level of service delivery elements that they've incorporated in. Once again, as you also look at the flat rate user fee amount, it varies depending on what that equivalent residential billing unit is, but overall you can see that it falls somewhere between about \$3 to \$6 a month per residential customer. So once again we tried to provide an overview and a comparison as to what some of the other jurisdictions are looking at.

Taking it beyond that residential customer and expanding it a little bit to some nonresidential type properties, you can see a shopping center, restaurant, all pay a proportionate amount in terms of their storm water fee with regard to the equivalent number of residential units that would be associated with it. So in this case, shopping center paying several times more than a typical residential customer; also a restaurant or school site that has a lot of impervious areas associated with the parking lot and the building, is going to pay proportionately more.

When we look at the average residential rate that we talked a little bit already, you can see that we have two different rates we're contemplating right now. One for our public subdivisions and one for our gated subdivisions, and the reason this is, is because our gated subdivisions have a different level of service that would be provided to them since the County Public Works Department does not maintain the drainage systems within the right-of-way the way it does in publicly dedicated roads. So for that reason, we're associating service delivery with the associated user fee cost and maintaining the fairness and equity that we spoke about earlier in our discussion. Once again, undeveloped property has, as typically the case when they're not receiving a service, in this case undeveloped property absorbs rainfall for the most part rather than discharging it off, there is no fee charged to undeveloped property, and this is a big differentiation between a user fee system and obviously a tax system that's based on appraised value.

One of the other unique aspects of a user fee system is the ability to secure credits, and these credits are for typical storm water controls and other devices that reduce the impact or demand that a particular developed parcel places on the storm water management program and the County's drainage facilities. So anytime we're talking about a storm water control green development, septic tank maintenance, anything that improves the site's runoff characteristics in terms of demand that's placed on the County system, there's a corresponding reduction in fee, and this has been a very popular aspect of storm water utilities across the State in terms of reducing the monthly costs when those controls are in place.

We talked about transitioning the storm water management program, drainage service is provided by the County from a tax pay system, as we're showing there in the first column, to more of a user fee based system as we're showing in the FY2011 column as a for example, and you can see that we're shifting a substantial burden from the SSD and that tax based system to the user fee system revenue sources and funding levels that would be provided from the different contributing sources here that have been a part of funding the program over the years in terms of the SSD, M&O and the other two funds at the bottom there.

Commissioner Shay said, your draft shows M&O fund contributions. This year it's \$750,000 and next year \$2.05 million. Why is that increase?

Mr. Feldner said, we've taken a look at some of those countywide services that are provided by County Resources in terms of canal maintenance and then some of the operations and maintenance activities associated with the County road system, and we haven't determined final — the allocation from the M&O, but our preliminary indication is for those services that benefit all residents countywide, canal maintenance, road right-of-way maintenance, that that would be an M&O funded program or activity within the future storm water management program. In light of the recent Superior Court ruling in Gwinnett County back in October of this year, we're taking a close look at that and working with the folks

that we relied on for legal assistance in the past, get the County Attorney involved to see if some portion of that may have to be shifted to the SSD. Commissioner Shay said, be careful here. Mr. Feldner said, we're preliminary and with the feasibility study stage, and I assure you, Commissioner Shay, that we are diligently looking because the ruling is only a couple of weeks old and we are carefully scrutinizing how we're going to allocate costs. Commissioner Shay said, it's a different debate and you're going to wade into another subject if you're not careful, that's all.

Mr. Feldner said, okay. Legal considerations, what an appropriate slide. Columbia County Supreme Court ruling back in 2004 essentially ratified this approach that we're contemplating for Chatham County, including an allocation from the general fund to supplement the user fees. We'll continue to abide by and hold that ruling in terms of our structure and approach. House Bill 2016 that came through the Legislature last year with regard to the State trying to exempt itself from storm water user fees, I know that that is a priority of this Commission as the next session comes into play to make sure that the State does not try to exempt itself. The Attorney General came out with a ruling about local government ordinances and user fees back in the Summer of this year that we've been working with some of the existing storm water utilities on. Once again your legislative agenda dealing with and addressing some of these issues that are going to come up at the legislative session here at the Capitol in a few months, and then ACCG continues to work diligently in support of user fee approach as to storm water management issues.

Wrapping up here, we've talked about a delivery method for the bills. With about 35,000 future customers anticipated for the storm water utility and the unincorporated county, the initial recommendation right now is to look at delivering it on the tax bill as a service similar to what the DeKalb County and Gwinnett County have successfully done for several years, using that approach and billing the property owner for the service as opposed to the occupant and tenant or whomever and getting back to the foundation whereby the property owner is paying the fee. Public education outreach will be a key aspect of this, and I'll show you something on a scheduled slide here in a moment. Coordinating with other communities that are either implementing their utility or, in the case of Savannah, contemplating implementation of a utility. And, once again, working with the MPC to make sure that all their education resources are made available to the county to successfully get the message out about service delivery, cost allocation, and things of that nature.

Wrapping up with our final slide here, this is a schedule that we've worked on with the staff, county staff here, to move this process, if it is our desire here at the December board meeting, you can see we've talked about an intense period of customer education, concurring with developing the master billing file through the first two quarter of 2010, and then having the storm water utility concept come before you for final approval in terms of an ordinance to coincide with your budget process that would be going on for July 1, 2010. Once again, using the tax bill as the billing mechanism, we've looked at an October 2014 initial billing date.

Chairman Liakakis recognized Commissioner Kicklighter.

Commissioner Kicklighter asked, are you talking about implementing a fee on the future developments, not the existing developments, or what? Mr. Feldner said, no, this is fee that would be assigned to all, or charge that would be assigned to all developed parcels within the unincorporated county. Commissioner Kicklighter asked, that's currently developed? Mr. Feldner said, that's currently developed and would be developed in the future, but undeveloped property would not be charged a fee until it was developed at some time in the future. Commissioner Kicklighter said, alright. Thank you.

Commissioner Shay said, having developed a handful of townhouses in my life, I have discovered that there are charged by water and sewer providers that were basically in addition to tap fees, to help cover the cost of future and downstream improvements to the water treatment plant and sewage treatment plant, and so forth, are impact fees also — storm water impact fees, are storm water impact fees something a vehicle that we can look forward or be concerned about? Mr. Feldner said, looking forward to and being concerned about seems like two different ways to ask the question, but to answer the question — Commissioner Shay said, I'm very good at asking questions. Mr. Feldner said, impact fees for drainage conveyance improvements, storm water management improvements, I haven't see in Georgia yet, and the reason I haven't seen it is because as a local government we typically have an excellent understanding of the level of service of our transportation and our recreation and fire protection network and our recreation and fire protection services, but we typically don't have that level of detail such that we can assign the impact fee for that incremental burden that new development would place on existing drainage infrastructure. So that's the issue there.

Commissioner Shay said, but it does — the concept is that it would fund an enterprise fund. Mr. Feldner said, yes, the storm water utility fee would, yes. Commissioner Shay asked, and that could also be the agency that collected bonds, for example, from developers that went out and completed projects and then had to post a bond to make sure that at least through some in of a warranty period that the system would function before it became part of an overall system. Could that enterprise system then also be the beneficiary of any proceeds from the bonds? Mr. Feldner said, yes. As an organizational and a financial entity, it would be able to serve in the capacity of overseeing those projects and through that warranty period, if you will, and ensuring that infrastructure would properly installed and maintained for some period of time before it was — the bond was released and then it became the responsibility of the local government.

Commissioner Shay said, so just, you know, hypothetically if somebody went out and built a subdivision and it ended up that it had a substandard drainage system and the developer had to punt, then the enterprise would be able to be the beneficiary or the voided bond — Mr. Feldner said, yes. Commissioner Shay asked, — and also have an enterprise that they could draw resources against in order to finish the necessary improvements to make sure that that subdivision actually functioned properly from a storm water management standpoint? Mr. Feldner said, yes. I would envision an opportunity where the bond was called, the proceeds of the bond were provided to the county's storm water utility, and it then went out either through a private contractor or through it's own forces to address any issues that were not completed properly or deficiently with regard to that development. Commissioner Shay said, I wish that were in fact a hypothetical.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, you mentioned that undeveloped properties wouldn't be assessed in your proposal storm water utility fee. Would properties that do not contribute storm water to the county conveyance systems also be exempt from charge? Mr. Feldner said, excellent question. What we've seen as an emerging policy is that the quantity of runoff demand that your parcel places on the infrastructure of the local government, when it is not directly connected or does not ultimately flow through the local government system, there is a corresponding reduction in the fee that is charged, and in the case of Garden City, where parcels, developed parcels did not discharge to the Garden City system, they received a 50% credit off their bill because they were not a user of the Garden City drainage infrastructure. Now Garden City has a series of programmatic activities, regulatory compliance and maintenance of the road system and other citywide services that had to be implemented regardless of whether or not your property discharged runoff, so there was an analysis done in terms of what the corresponding reduction in cost would be when there was not an actual contribution to the public drainage system by that developed property. Commissioner Farrell said, so what I think I'm hearing is you're advocating adding a user fee to certain properties that do not use the system. Mr. Feldner said, they may not use the system, but they use the program. Commissioner Farrell asked, what program would this —. Mr. Feldner said, well, regulatory compliance is something that is administered by the county, countywide, regardless of whether or not a parcel is contributing runoff to the drainage system. Flood plain management services are provided to all parcels. Develop and regulation and erosion control services are applied throughout the jurisdiction, so there are some —. Commissioner Farrell said, so what you're advocating is that this be a countywide user fee and there would be less of an expense to folks that don't actually use the system. Mr. Feldner said, countywide for the unincorporated area and a reduction in the cost for those.

Commissioner Farrell said, well, I've got problems philosophically with charging folks with something that they don't use. We're currently charging folks in the unincorporated area through our different State legislation franchise fees and other funds where they're getting nothing for it, and I, you know, just on that one item alone I have some problems of how you could justify charging somebody a user fee that doesn't use the system. It doesn't add one drop of water to the county conveyance system unless if this is a countywide problem and all 250,000 people are going to be asked to pay a reduced rate for a utility fee because they're not directly using it, but it has big countywide regulatory implications here, so I've got a little philosophical problem with that one particular item, and I'll leave it at that for the moment.

Commissioner Kicklighter said, Mr. Chairman. Sir, no reflection on you with this statement because you've done a fine job, what's been asked of you, but you know, we live in a world now where we've got a sanitation engineer of what we used to call garbage man, this fancy word fee is just a great explanation for a tax that we call a fee. Legally, can we put a one penny fee for every dollar purchased somewhere? Can we legally do that? Okay, I mean, this — and again this is not to you. We have a budget in the SSD that's destroyed, and again, I'll state it again, that part is mainly — I'm not going to even go there. We know what the big problem is: the cost with the SSD budget, and we can feel great calling things a fee all day long. We implemented a solid waste fee on the unincorporated area. That's a tax. I mean, it even comes in the tax bill. This is being recommended coming in a tax bill, you know. I mean, fee this and that, but it just — it's just not a good thing. I mean, and that's not you. It's a good program if you need money, but if we're going to do it, why don't we just call it a storm water tax and just do it that way. I mean, thank you and with all due respect I'd love for us to move on because I have to go to work to be able to pay some future fees that we may be passing.

Chairman Liakakis said, Patrick [Shay] and then Russ [Abolt].

Commissioner Shay said, I'll be brief. I like the idea of people understanding that the amount of runoff that they create, both from their homes and their businesses, and for that matter for the roads that they drive on to get to and from their homes to their businesses. It causes an impact, it causes the County and the other jurisdictions that they reside in and work in to spend a lot of money in order to maintain that infrastructure. My concern is representing really a little basin called the Placentia Canal, that there are multiple jurisdictions that draw benefits and also provide loads to that. If we're going to do this, we need to make sure that we're doing it in a way that there's a clear understanding that we're not going to get wacked by somebody who's downstream of the unincorporated area for a huge charge for the fact that we carefully manage that storm water to go into their jurisdiction or vice versa. I'm just, you know, we've been through Placentia Canal challenges over the years, and there's a need to make sure that there's a clear protocol on this, sort of yours, mine and ours, and all of that. That's all I'm saying.

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, the only thing I'd ask, mr. Chairman, Dr. Thomas, gentlemen, I realize it's late and you're all getting tired. This is a very legitimate strategy you might employ in balancing the budget regardless of what created the problem or contributed it. I would ask that if you allow us to give you two weeks to digest the information. We'll come back on the 4<sup>th</sup> and ask for what I refer to as a conceptual approval, which is kind of a way of saying, well, you're committed enough to get serious. I do encourage you to keep the option open because you have yet to embark upon a discussion on budget in the SSD. Come the Spring you'll have your budget goals sessions in January, early February. I just do not want you out of hand to throw this away. It is a legitimate of paying for an expenditure. Just like Commissioner Kicklighter said, it is a fee and it is a strategy to do the business of the public by other than taxation, and that is nothing wrong with it, but it is a fee for direct benefit of services received. I would just ask you to contemplate it for the next two weeks. We'll have it before you on the 4<sup>th</sup> and we'll ask for a conceptual okay. If the votes aren't there, it's a dead issue but it ain't because of the prominent discussion you're going to have. Come January, February, you'll want to keep all of your options open.

Chairman Liakakis recognized Commissioner Farrell.

Commissioner Farrell said, I've said all I need to say for today.

Chairman Liakakis said, okay. There's no vote on that today. Thank you very much. We appreciate your presentation.

**ACTION OF THE BOARD:**

No vote was taken on this item. A presentation was made by the consultant on the feasibility of creating a storm water utility for the unincorporated area of Chatham County.

**AGENDA ITEM: IX-2**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioners  
**THRU:** R.E. Abolt, County Manager  
**FROM:** Robert W. Drewry, Director of Public Works and Park Services

Issue: Presentation by consultant on the feasibility of creating a Storm Water Utility for the unincorporated County.

Background: Over the last 10 years local governments in the State of Georgia have implemented the Storm Water Utility concept to address storm water management operational needs and priorities in a more fair and equitable manner.

Facts and Findings:

1. A Storm Water Utility shifts operation and maintenance from a tax based funding system to a user fee based system as a proven fair, equitable and stable method to fund storm water management programs.
2. There are approximately 40 Storm Water Utilities in the State of Georgia including Garden City, Hinesville, Gwinnett County and Columbia County to name a few.
3. At the request of the County Manager, staff pursued the solicitation of a consultant to examine the Storm Water Utility concept for Chatham County. On June 12, 2009 the County hired Ecological Planning Group to conduct a Storm Water Utility Feasibility Study. The study is complete and the recommendations are shown in the attached Executive Summary dated November 4, 2009 (Attachment 1).
4. The City of Savannah is concurrently assessing a Storm Water Utility concept. Staff has met with representatives of the City to determine program similarities and differences hoping to capture potential coordinated efforts.
5. Also attached is a memo from the Tax Commissioner in response to an informational meeting with staff on the study (Attachment 2).

Funding:

Funding is not requested at this time, however, a Storm Water Utility shifts operation and maintenance from a tax based funding system to a user fee based system as a proven fair, equitable and stable method to fund storm water management programs. Assuming the Board chooses to move forward, the consultant will be asked to finalize program details as additional work to their current contract.

Policy Statement: At the Board's request, staff is presenting alternatives to transition from dependence on the Special Service District tax base to a more equitable user fee system.

Recommendation:

Informational Only. At your next meeting on December 4, 2009, staff will request conceptual approval to move forward with the Storm Water Utility.

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### **3. REQUEST BOARD APPROVAL OF BERWICK LAKES AND WILLOW LAKES SPECIAL SERVICE IMPROVEMENT AND MAINTENANCE DISTRICTS.**

Chairman Liakakis recognized County Manager Abolt.

County Manager Abolt said, Mr. Chairman, Dr. Thomas, gentlemen, this is coming to you in conceptual form. You are well aware and have been asking staff for options in dealing with two subdivisions, Berwick Lakes and Willow Lakes, that the developers have consistently walked away from, neglected and been unresponsive. You've had testimony in the past privately from some members of those neighborhoods. Staff was trying to energize the discussion and come up with a creative idea which you may wish to entertain. A lot of the issue on liability, in fact all the issue on liability I believe has been addressed quiet adequately and comprehensively by the County Attorney in executive session, but to move this along realizing full well that these are the only two warts on the horizon, staff was looking at a way of suggesting to your strategy that we would work on and only work on for you to give us approval at this level what I will refer to as conceptual okay.

There are a series of repairs that need to be made in the Berwick Lakes Subdivision, which is the largest of the two subdivisions and we've been able to quantify them. They are contained in a summary, a spreadsheet that we have in Mr. Bungard's staff report on page eight. It identifies \$496,000 worth of total repairs that would be needed before the subdivision is accepted. We are looking at a strategy with your conceptual approval that we would go to the homeowners, which like any other group of homeowners in the County that had a homeowners association, they could fairly

step up and say yes they're concerned enough about coming to the table to help solve their problems, and they would have to commit to about \$25,000 given in contingency of 25%, and then in a quid pro quo, given our analysis of the type of improvement that would have to be made in the subdivision, there is a justification, if you concur, use other tax money to come up with the road repairs and drainage repairs that could be justified.

The problem here has been that the subdivision approval process and the acceptance of the maintenance bond go on and on and on and on and on, and the longer obviously time lapses, the more repair problems we have. So one option is to continue the litigation where possible against the nonresponsive developers, and that's always your option if you want to discuss that in executive session. Another option would be able to address it here and now, something that Commissioner Kicklighter has asked for where in effect we try to partner with the homeowners group, realizing that they have to again show that they're responsible. [Inaudible] and I, I heard Jon [Hart] repeatedly talk with some of the citizens a month and a half ago out there, but this is not unlike anything in other parts of the County, like in the subdivision I live with a homeowners association would come together at any point and partner with the County to solve a problem. In this particular case the citizens in that subdivision, though aggrieved and disappointed with the performance of the developer, just like the County is, would have to show their good faith and, in effect, raise sufficient monies to come up with just a tad less than \$25,000. We did not do the exact math. I see in the newspaper they attempted to do that math, but it's a small amount of money. It's not worth creating an assessment district. I think the issue is now if you're interested enough, staff would be authorized to advise the homeowner representative, okay, here's a good faith effort, now what do you want to put, or to use a current term, how much skin do you want to put in the game. If that is acceptable to you, we'll work with a group of homeowners to see if it's acceptable to them. Absent that, our only option is to consider to pursue legal recourse, which already again the County Attorney has addressed in executive session. That's Berwick Lakes. That's the largest of the two areas.

The other wart, the other subdivision where the developer has walked away is Willow Lakes. It's a subdivision that has primarily drainage problems. We have gone out there and we have taken the leadership to going on a roadside ditch that drains upon to serve as retention for the subdivision and Mr. Drewry has deepened the ditch and it flows well. We've taken on toll about seven inches off of those ponds. It was about seven inches of freeboard to clear, and then when the Quacco Road SPLOST project is pursued, that will increase more runoff to create capacity.

In neither case, Berwick Lakes or Willow Lakes, is their structural flooding. It's flooding in the streets. Is flooding is a nuisance, but in Berwick Lakes we can quantify to the best of our ability what the financial problem is. In Willow Lakes we're yet to do that. They still have to plug the pipes and see what the condition of the drainage structure itself is before we come back to you with specific information. If you're at all interested in this concept, we would take it upon ourselves to work with some of the more outspoken and the leaders within Berwick Lakes to see if they were interested.

Chairman Liakakis said, so what you're saying is, Russ [Abolt], that the County's going to put in over \$400,000 of monies into Berwick and then just asking to complete that now if the residents wants us to do all of this and fix up their areas is that we're just asking all of them to pay \$40 —. County Manager Abolt said, the \$40 came out of Mr. Curl's article, so I don't want to be using Mr. Curl's math, but it's a small amount of money, sir. Chairman Liakakis said, okay. Alright. I was going by what was in this particular information —. County Manager Abolt said, you're right, sir. Chairman Liakakis said, — that was given to us. Alright, Jon [Hart], have you got any comments on this?

County Attorney Hart said, well, y'all had some ideas and we presented two. One was doing an assessment district, which for the sum of money we're talking about is probably a lot of work and was very impractical at this point. The other issue here is obviously we need to go back and really be careful about our SPLOST funds and we want to make sure that the money is appropriate use. Preliminarily, I think we're okay. We have two of the SPLOST that is undesignated amount of money — a designated amount of money to use. It was voted on in the referendum and dedicated to street and road improvements and we had a lot of intersection and things that needed to be paved and done. We had put some money aside there. We fix things in subdivisions all over the County. If you're talking about those type of SPLOST funds, yeah. If you're talking about taking SPLOST funds away from a dedicated project, no. so we want to make sure we do it properly.

Chairman Liakakis said, and Russ [Abolt], what you were saying also, it's up to the Board whether they want to file litigation in some of these matters also. County Manager Abolt said, yeah, we are — I know you would never penalize us for being creative, but we're being creative and we're trying to come up with something that will address the problem because the situation is this and the principle the County Attorney brought up is very valid, but here is the situation. You're having — this subdivision approval is getting very long in the tooth and even where the subdivision approved way back when, and Southbridge is an example, we went in there with SPLOST funds and fixed the intersection. I mean, normal wear and tear is an accepted situation in which the County taxpayers have responded. So time is not on the side of being able to avoid the problem. We want to reach the point where the County can accept the subdivision for maintenance. Absent that, we go on and on and on and then you reach the situation where again we're come back to Special Service District and protect the Special Service District. I would not propose in any shape or form that we ask the Special Service District budget and Mr. Drewry's budget to pick up any of these costs. That's not fair.

Chairman Liakakis said, okay, then we need a motion on the floor to approve the projects that were presented to us for Berwick Lakes and Willow Lakes. Right? County Manager Abolt said, conceptually for Berwick.

Commissioner Kicklighter said, Mr. Chairman, if I may and I'll make the motion, but —. Chairman Liakakis said, make the motion and then we'll go —. Commissioner Kicklighter said, if you're feeling supportive of this, to wrap it once and for all, we're talking \$400,000. Can we throw the other \$25,000 and get it over with and just fix it. County Manager Abolt said I would really encourage you not to do that. It's not the money, it's the principal of the situation. I mean, sincerely, and I'll be very specific on this as Jon [Hart] can. You've got neighborhoods in the unincorporated area that have active homeowners associations that faced not with the problem of a developer that walked away, but had problems in their subdivision. If they came up with \$20,000-\$30,000 through their homeowners associations, just to give that away, you're creating the precedent that I think will come back to bite us over and over again.

Commissioner Kicklighter said, I make a motion to approve as recommended by staff. County Manager Abolt said, conceptually you're allowing us to work with the homeowners. We will work with the homeowners. If they're interested, we're interested. If they're not interested, we're not going any further. Commissioner Kicklighter said, thank you and I like the structure, they can raise the money, and that could come — maybe that could even come from a developer that —. County Manager Abolt said, not only that — however they want to do, but I want to tell you, Jon [Hart], you were in the same van that I was, Commissioner Kicklighter, and Jon Hart gave an eloquent argument to the citizens at that time why a homeowners association benefits them in perpetuity. This is a challenge, but going forward to keep the quality of life in that subdivision, the identity of that subdivision, the special livability of that subdivision, a homeowners association is neat.

Chairman Liakakis said, okay, we have a motion on the floor. We need a second. We need a second to approve this. County Manager Abolt said, conceptually approve it. Commissioner Farrell said, second. Chairman Liakakis said, okay, we have a second. Do you want to discuss it?

Commissioner Thomas said, I wanted to make sure I heard — I don't differ, I don't disagree with what you said. I just want to make sure that I heard correctly that these funds — none of these funds, the dedicated funds from the SPLOST are going to be used for the [inaudible]. Did you hear me? County Manager Abolt said, you can't use SPLOST for maintenance. You can use it for the type of drainage and road work outlined. So you would be committing, if the homeowners come forward, a substantial amount of SPLOST to do that. That is not precedent [inaudible]. The key here is, and I mean there was a kind of misleading headline in the paper today: Public money used for private roads. Here is the point of fact. That subdivision has yet to be accepted. We're holding that subdivision in abeyance and the idea is okay, how do you get it accepted? The homeowners come forward or the developer, they pay their share, you would commit to —.

Commissioner Thomas said, I understand that. I just wanted to make sure that we don't fall short when we come to these other projects that were approved on the SPLOST referendum that these citizens worked so hard for and each and every time I go to my community organization meetings, particularly Cuyler-Brownsville and Cloverdale and others who are supposed to be in the SPLOST funding, and they're thinking that no monies are going to be there when it comes time for them to get their project done. I just want you to be aware of that because every month that I go to their meetings, this is the same question I get over and over again. Are they going to keep pushing, and I reminded them that we had to deal with the jail first. County Manager Abolt said, this gets to me right on and I appreciate it, and my junkyard dog and probably the stingiest man with SPLOST I know is Al Bungard, and I would not — he would not allow nor I would allow us to come forward with a solution that wasn't fundable, that would not create problems. What you had at the time when previous SPLOSTs were put together, there was an estimate as to the cost of the project. We've been getting good bids, the projects were coming in below estimate. So this is a reasonable concept, but again if the property owners are not willing to come up with a relatively small amount, the deal's off, and even at that it has to come back to you for approval.

Chairman Liakakis recognized Commissioner Shay.

Commissioner Shay said, I missed some of the discussion on this a couple of weeks ago, so if I could make sure I understand. On the Berwick Lakes project, the flooding that they're experiencing is nonstructural. This is not getting —. County Manager Abolt said, both places are nonstructural. Commissioner Shay asked, not getting into people's houses? County Manager Abolt said, no sir. Commissioner Shay said, okay. The drainage system is substandard. It was not accepted as being complete by the Chatham County Engineering Department. Are the roads that are in Berwick Lakes now County roads? County Manager Abolt said, no, we have not accepted them, but the roads that you see were again — I'm sorry.

County Attorney Hart said, they may be a public road because when the subdivision map said it was a public road, but there's an acceptance process and we have not accepted them. So from an obligation to maintain them, no, we have never accepted them.

Commissioner Shay said, let me restate the question then. Are they private roads or are they public roads? County Attorney Hart said, more public than private. Commissioner Shay said, more public than private. County Attorney Hart said, yes. Commissioner Shay said, the SPLOST funds that it's going to be taken from, which year, which fund? County Manager Abolt said, I believe its four, but it's the SPLOST past. It's not the current SPLOST. Commissioner Shay said, well I mean, you know, I just — earlier today we had an issue that I've been dealing with since 1992 on Lansing Avenue. It's a problem that has to do with drainage and the fact that we have substandard roads and we have no curbs and we have no sidewalks, and for years I've been hearing that we just don't have the resources in order to be able to do anything, and I don't intend to hold Berwick Lakes or Commissioner Kicklighter hostage here, but I just — there are a lot of people who have paid sales tax into that fund, whichever one it is, from all over Chatham County, including jurisdictions other than the Special Service District, as a matter of fact a lion's share of it coming from jurisdictions other than the Special Service District who are in at least as bad a shape as the folks at Berwick Lakes, and I think we have an issue here as to how we justify which ones we help and which ones we leave by the side of the road. And I'll leave it at that. County Manager Abolt said, very well said.

Chairman Liakakis said, come forth. Identify yourself for the records please.

Mr. Larry Pearson said, thank you, Mr. Chairman and Board. My name is Larry Pearson. I'm a homeowner and fellow taxpayer in Berwick Lakes. First of all, I appreciate the opportunity to come before you and say a few words. Berwick Lakes started being constructed about 10 years ago. We've been paying taxes out there ever since, our full share of taxes without getting the benefits of being accepted, and I would like you to take that into consideration. We pay our full share of taxes and have been all along, and all the roads out there are public. They're not private roads. We need some help out there. I mean, the County allowed this developer to develop this plot of land and then he left us after paying the permitting fees and whatever else was needed to get the construction done, but then the developer I guess went out of business or for whatever reason and I understand a letter of credit was in place but it was allowed to expire. I would think that the County would make sure that those types of things don't expire until things are done and can be

taken over and accepted by the County. So in our eyes we don't feel like we should have to pay anything additional to get accepted. I mean, I can't speak for all the homeowners out there. They left us without homeowners associations. There were homeowners association forms but they were never turned over to the homeowners, and so we're left out there now holding the bag and hoping that you folks will help us out and do the right thing and accept us and bring us up to code.

Chairman Liakakis said, well, it's almost a half a million dollars that we're talking about putting in there to correct those problems and all, and there's a portion of that that's maintenance that they're asking for the homeowners to pay for that. We can't — actually we're not supposed to put that money in there, use SPLOST funding for that maintenance. That's what the State law says, so it's really not up to this Board to put paying SPLOST funding for something for maintenance and we can be cited for that. So all we're asking at this particular point, this Board is, is for the homeowners just to pay that small amount of money that will go into the maintenance area, and then we go from there. And we appreciate, we understand, but let me just tell you what. Our staff and our attorney has met with the homebuilders association and all and have come up with a suggestion, something that this Board will be coming into that from now on, instead of going regular for a bond issue, that what they will do is a developer will put a certain amount of their property, there are particular plats as security. So that means that if something happens with their bonds or whatever, that the County has that security that they can sell those particular lots to take care of the negatives that have occurred in the area. If we had had that before, see, you wouldn't be in that problem but, you see, we want — the County wants to make sure and this Board that those things in the future do not happen. So this is going to be presented before the Board in the very near future so that we can have that even situation going on, especially to help the County plus help the homeowners in that particular subdivision, whatever the case might be.

Mr. Pearson said, again I can't speak for all the homeowners there, but I would be glad — I'd gladly pay \$40 to get everything accepted in our community.

Chairman Liakakis said, well, it might not even be that much. You know, it might be a little less than that. They're going to work with our staff on that. Mr. Pearson said, but I'm sure that the majority of the homeowners would be more than agreeable to that type of situation. Chairman Liakakis said, yes sir.

Commissioner Shay asked, so there is not a property owners association in place? I'm a member of a couple of property owners associations. My experience is that they charge dues. Commissioner Odell said, they do. Commissioner Shay said, and they charge dues that are on the order of anywhere from a \$1,000 to \$2,000 per year, so while on the one hand you've been slighted because you haven't had the benefit of a property owners association to help you figure out how to solve the problem, you've also benefitted from the fact that you haven't been paying property owners association dues in the interim. I just point that out.

Mr. Pearson said, yes sir, well our covenants don't even call for association dues. There's nothing really to maintain in our neighborhood. There's no pool, there's no clubhouse, there's nothing except a little bit of maintenance with the —.

Commissioner Kicklighter said, with your permission, Commissioner Shay. Commissioner Shay said, please. Commissioner Kicklighter said, I think, I may be wrong but I think we're okay here. If you actually — and I'm telling you I will — if I've got to come — I don't think you want to eat cookies, but I'll bake sale and I'll raise \$25,000. I'm ready to get this over with. Whatever it takes, I'll fund-raise with y'all. Mr. Pearson said, to raise \$40 or less —. Commissioner Kicklighter said, well, like they stated, they don't know if it's \$40, but I think they said, \$25,000. I believe that you're organized enough that we can somehow raise that. Maybe some people in the private sector will donate or something. Who knows, maybe whoever bailed out on it will be watching this and maybe he'll donate a little bit. Okay, anyway at this pint I would like to make a motion to approve the recommendation. Commissioner Odell said, I'll second. Commissioner Thomas said, second.

Chairman Liakakis said, okay, let's go on the board. Chairman Liakakis and Commissioners Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Shay voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Stone and Gellatly were not present.] Chairman Liakakis said, the motion passes. Commissioner Kicklighter said, thank you. Mr. Pearson said, thank you, ladies and gentlemen. Commissioner Kicklighter said, thank you. I wasn't joking. I really do have to go to work right now.

#### **ACTION OF THE BOARD:**

Commissioner Kicklighter moved to conceptually approve accomplishing the minor repairs upon collection of contributions from affected property owners and approve the use of SPLOST funds for capital improvements within Berwick Lakes and Willow Lakes Subdivisions. Commissioners Odell and Thomas seconded the motion. Chairman Liakakis and Commissioners Holmes, Farrell, Odell, Kicklighter and Thomas voted in favor of the motion. Commissioner Shay voted in opposition. The motion carried by a vote of six to one. [NOTE: Commissioners Stone and Gellatly were not present.]

#### **AGENDA ITEM: IX-3**

**AGENDA DATE: November 20, 2009**

TO: Board of Commissioners  
 THRU: R. E. Abolt, County Manager  
 FROM: R. Jonathan Hart, County Attorney  
 Suzanne Cooler, Senior Engineer

**ISSUE:** To present for consideration by the Board of Commissioners a remedy for subdivision infrastructure problems within Berwick Lakes and Willow Lakes Subdivisions.

**BACKGROUND:** There have been numerous complaints from residents of Berwick Lakes and Willow Lakes Subdivisions pertaining to the failure of developers to perform punch list requests by the County Departments of Engineering and Public Works and Park Services. As a result of not completing of County punch lists, the infrastructure has not been accepted for County maintenance. The subdivisions do not have effective homeowner's associations. (See attached memo dated February 5, 2009 from County Attorney)

**FACTS AND FINDINGS:**

1. The Department of Engineering has updated a punch list of potential repairs to infrastructure in both subdivisions.
2. Please note that none of the items on either punchlist are life/safety issues. There are no reports of structural flooding in either neighborhood. All items on the punchlists are cosmetic in nature.
3. Engineering Staff estimated the cost of repairs in Berwick Lakes Subdivision. It is difficult to determine with specificity the actual costs of the repairs, since there are numerous large and small punch list issues. Additionally, some problems may be underground, so the extent of involvement will not be known until repairs are undertaken.
4. The estimated cost of repairs in Berwick Lakes is approximately \$490,000. Please note that approximately \$260,000 of the estimated cost is to rebuild the roadway at the Hampton Place (Berwick Lakes Phase 2) entrance. The pavement failure is not a result of poor construction, but rather a result of the use of soil cement base. Soil cement base was a common and acceptable practice when Berwick Lakes was constructed. Staff recommends removing this item from the punchlist and creating a SPLOST road project to reconstruct the entrance. Furthermore, approximately \$210,000 was estimated to improve the drainage outfall. Staff also recommends creating a SPLOST drainage project to bring the drainage outfall to current standards. The estimated cost of the remaining repairs total approximately \$20,000. There are over 500 properties in Berwick Lakes Subdivision. If each property owner contributes \$40 then the repairs can be made. Staff recommends the Berwick Lakes property owners collectively provide the \$20,000 to fund the minor repairs. The County can establish SPLOST road and drainage improvement projects to reconstruct the roadway and upgrade the drainage outfall.
5. The cost of repairs for Willow Lakes cannot be estimated at this time. The estimation requires more extensive subsurface investigation. The Departments of Engineering and Public Works will perform the subsurface investigation and provide an estimate as soon as possible. Please note that the Department of Public Works has already performed some outfall maintenance along Willow Lakes Drive and Quacco Road that has lowered the water elevation in the detention pond. The Quacco/Regency SPLOST drainage improvement projects will greatly improve the storm water outfall issues experienced by Willow Lakes.

**FUNDING:** In lieu of creating a Special Assessment District minor repairs could be funded by contributions from property owners. Roadway and drainage capital improvements can be funded by SPLOST revenue.

**POLICY ANALYSIS:** The Board, with the creation of the SPLOST projects and collection of funds from the property owners, would offer remedy to complaints within the subdivision.

**ALTERNATIVES:**

1. That the Board conceptually approve accomplishing the minor repairs upon collection of contributions from affected property owners and approve the use of SPLOST funds for capital improvements within Berwick Lakes and Willow Lakes Subdivisions.
2. That the Board provide staff other direction.

**RECOMMENDATION:** For Board consideration.

RJH/jr

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**4. REQUEST BOARD REFER TO MPC THE PROPOSED CHANGES TO THE SUBDIVISION REGULATIONS REGARDING BONDING ALTERNATIVES.**

Chairman Liakakis said, that's basically what I was saying a moment ago. So we need a motion on the floor to refer this to the MPC.

Commissioner Odell said, so moved. Commissioner Holmes said, second. Commissioner Thomas said, second.

Chairman Liakakis said, all in favor signify —, let’s go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Farrell and Gellatly were not present.]

County Manager Abolt said, Mr. Chairman, I would like the minutes to reflect staff’s appreciation for the participation and the give and take with the Homebuilders Association. They were instrumental in crafting this option, and for that I am very appreciative.

Commissioner Kicklighter said, if I may, before I leave, I’m appreciative to the Homebuilders Association too, but I would still like to see by the next meeting, I would love to see something in writing that potentially allows this body, the authority to discipline someone that we would deem as a misfit or whatever contractor. So I hope that that will continue similar to the same type hearings they hold when an alcohol license is removed. I believe abandonment of 500 homes is pretty significant and I believe that we really still need to be able to hold them accountable. So thank y’all very much.

**ACTION OF THE BOARD:**

Commissioner Odell moved to refer to the Metropolitan Planning Commission (MPC) the proposed changes to the subdivision regulations regarding bonding alternatives. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Farrell and Gellatly were not present.]

**AGENDA ITEM: IX-4**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** Request Board refer to MPC the proposed changes to the Subdivision Regulations regarding bonding alternatives.

**BACKGROUND:** Recent lack of performance by recalcitrant developers caused the County to review its current regulations and policies regarding subdivision development. Engineering and Building Safety and Regulatory Services staff met with the County Manager, the County Attorney and several members of the Homebuilders Association to discuss alternatives to the current bonding requirements. The MPC is the Administrator of the Subdivision Regulations and should be granted a proper review and comment period. Once reviewed by the MPC, the proposed changes will be provided to the Board for adoption.

**FACTS AND FINDINGS:**

1. The current bonding requirements do not guarantee subdivision improvements are completed in a quality, timely manner or subdivision close-out. Bonds and letters of credit are difficult to collect. Also, developers walk away and let the bonds/letters of credit expire. There is then no recourse.
2. The proposed changes to Section 703 of the Subdivision Regulations will replace the bonding requirements. Rather than provide a bond to guarantee completion and maintenance, lots will be held from recording. In other words, only half of the lots planned for a given phase of a development will be recorded until all improvements are constructed. Once improvements are inspected and found to be satisfactory, up to 90% of the lots can be recorded. The final 10% of the lots cannot be recorded (sold and built on) until the end of the warranty period. This proposed change provides better incentive for construction completion than the current method.
3. The proposed changes also prohibit construction in a subsequent phase until all construction is complete in the previous phases.

**ALTERNATIVES:**

1. To refer the proposed amendments to the Subdivision Regulations to the MPC for review and comment.
2. To not refer the proposed amendments to the MPC.

**FUNDING:** None required.

**POLICY ANALYSIS:** The Board must approve amendments to County Ordinances. The MPC is the Administrator of Chatham County’s Subdivision Regulations and should have a chance to review and comment prior to adoption of revisions.

**RECOMMENDATION:** Adopt Alternative #1.

All Districts

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## 5. CNT MONTHLY REPORT GIVEN VERBALLY BY DIRECTOR HARRIS.

Chairman Liakakis said, everybody was given this report and Commander [sic] Harris, if you want to go into some of this for us.

Director Roy Harris said, if you will notice, Commissioners, the report is a quarterly report which was prepared for the Drug Advisory Board which meets next week, which we meet quarterly with them, so I took the liberty of providing that report to you. You will also see there a media release which will — should be released by now out of our office this afternoon on a follow-up on the meth lab situation we had earlier in the week. We've ended up making two additional arrests on that operation — the actual cook and one of the residents there. It took several days to track them down to get them isolated and located. They didn't voluntarily turn themselves in.

On a follow-up search of the cook's truck you will also seek on that document that we did seize additional methamphetamine and items that he was using to cook this stuff. We fortunately don't have a major meth problem in Chatham County as some other areas of Georgia. We've got enough problem with cocaine here to deal with on a daily basis, but I wanted to bring that to your attention.

Commissioner Odell said, we just lost a quorum. County Manager Abolt said, this is an information report. You can continue. Commissioner Odell said, okay, for information we can continue.

Chairman Liakakis said, okay, go ahead and continue with that because we're not voting right now. Director Harris said, that's all I have, Mr. Chairman.

Chairman Liakakis asked, that's it? Okay, we can look over this report and this is just a great report. Look at the drugs seized. It's over a half a million dollars. It looks like drugs that have been seized by your unit, which is outstanding, and then we can look at about the other particular items, how many investigations are going on, how many active joint ones are going on, and the amount of investigations that have been cleared by that department. You know, one of the things that are really important is how many vehicles and properties that are seized by your agencies and the amount of weapons because that really makes a difference to take those weapons off the street that are being used for illegal purposes, Commander [sic], so this report is available to the public and we thank you very much for your leadership in that area, and I know that with all of the cooperation with all the seven cities that we'll have getting better results because we can see now that some of this drug problem that we have is being reduced at a point.

Director Harris said, yes sir, one of the concerns here, we seized 32 guns during this quarter alone, which I project will put us ahead of the 101 guns we had last year. I think Chief Lovett would probably also certify that the gun seizures with his department are up too. He and I were talking just before you reconvened here about the things we're seeing now with 14, 15, 16 year old kids with guns and we actually had one shoot at a police cruiser during a pursuit last night, so we're seeing higher levels of younger people with weapons, and that is a focus for both departments to try to seize as many of those as we can.

Commissioner Odell said, because ultimately what happens is the guns are stolen in burglaries and then often the people who commit burglaries are crack addicts or meth addicts and they sell to anyone who has \$25 or \$30. So you could have a child 12 years old, he gets a Christmas gift or a birthday gift from his uncles and aunts and \$35 or \$40, he has enough money to go to a crack head and buy a guy. Director Harris said, absolutely said, absolutely. Commissioner Odell said, which is scary.

Chairman Liakakis said, and one thing since we're talking about the gun thing, Jon [Hart], I'd like for you to look into something. Number one, we had this gun shop that was broken into and find some kind of ordinance that we can require them to have better security in their places. Somebody could go in there and steal a huge amount, that they have a safe or something that will keep, you know, them from getting a large amount of weapons because we've had that at two or three of the pawn shops. They got a huge amount of weapons from one pawn shop here a number of months ago. So if there is something that we can do on a legal basis because not only will it help secure those weapons, but it will also help the gunshop owners not being sued because they did not have sufficient security in their place to make sure those weapons if possible are not stolen.

Okay, thank you very much, Roy [Harris].

Commissioner Odell said, unfortunately people steal from banks who have vaults. If they're intent on breaking in —. Chairman Liakakis said, well it's a little different at night time because they're open there in the day time.

### ACTION OF THE BOARD:

Director Roy Harris gave a verbal report on the quarterly report of the Counter Narcotics Team for the period June through September 2009.

~~Chatham-Covington~~  
**Counter Narcotics Team**  
**Monthly Report**  
**June - August 2009**  
**Quarterly Report**

**UNDERCOVER AGENT/CONFIDENTIAL INFORMANT BUYS**

Buys	Number
Undercover (Agent) Buys	67
Confidential Information Buys	114

NARCOTICS INVESTIGATIONS*	
Investigations:	Number
Investigations Initiated During the quarter	243
Active <b>Joint</b> Investigations with other agencies (DEA, ATF, IRS, etc.)	16
Total Number of Investigations Cleared (Arrest, E.C., Unfounded)	163

DRUGS SEIZED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	545.1 Grams	\$54,510.00
Crack Cocaine	\$100 per gram*	442.4 Grams	\$11,490.00
Methamphetamine	\$100 per gram**	2.60 Grams	\$260.00
Marijuana	\$140 per ounce*	2,251.22 Ounces	\$315,171.00
Heroin	\$250 per gram*	40 Grams	\$100.00
Ecstasy	\$25 Dosage Unit	238 D/U	\$5,950.00
Misc. Pills	\$5 per D/U	1,298 D/U	\$6,490.00

\*Source: Office National Drug Control Policy  
 \*\*Source: Established regional average price  
 \*\*\*Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

DRUGS PURCHASED			
Drug Type	Value	Approx. Weight	Approx. Total Value
Powder Cocaine	\$100 per gram*	281.60 Grams	\$28,160.00
Crack Cocaine	\$100 per gram*	245.60 Grams	\$24,560.00
Methamphetamine	\$100 per gram**	0	0
Marijuana	\$140 per ounce*	16.0 Ounces	\$2,240.00
Heroin	\$250 per gram*	N/A	N/A
Ecstasy	\$25 Dosage Unit	346 D/U	\$8,650.00
Misc. Pills	\$5 per D/U	28 D/U	\$140.00

\*Source: Office National Drug Control Policy  
 \*\*Source: Established regional average price  
 \*\*\*Source: IAW GBI reporting – One marijuana plant equals 2.2 lbs of processed marijuana

WEAPONS SEIZED	
Firearms (including hand guns and long guns)	48

PERSONS ARRESTED*	
Felony*	62
Sales/Trafficking	108
Misdemeanor	12
Non-Drug**	13
<b>Total Arrests</b>	<b>195</b>

\*Felony includes Manufacturing Methamphetamine or Marijuana  
 \*\*Non-drug related offenses include firearms violations, Obstruction, Simple Battery, etc.

ASSET FORFEITURES	
US Currency Seized (Initiated forfeiture proceedings)	\$47,347.00
US Currency Awarded	\$28,749.00
Motor Vehicles Seized (Initiated forfeiture proceedings)	9
Motor Vehicles Awarded	3
Real Property Seized (Initiated forfeiture proceedings)	N/A
Real Property Awarded	N/A
Personal Property Seized (Initiated forfeiture proceedings)	N/A

<b>ADOPTION CASES FROM OTHER AGENCIES</b>	
<b>AGENCY</b>	<b>NUMBER OF CASES</b>
SCMPD	12
CCSD	1
TYBEE ISLAND POLICE	1
BRYAN COUNTY SHERRIF	1
<b>TOTAL</b>	<b>15</b>

<b>DRUG COMPLAINTS INVESTIGATED</b>		
<b>Drug Complaints</b>	<b>Received</b>	<b>Assigned</b>
Project Log/Official Complaints	9	9
Hot Line / Call-In Complaints	46	41
Green Sheets/ Outside Agencies	24	24
Crime Stopper Complaints	123	105
<b>TOTAL</b>	<b>202</b>	<b>179</b>

<b>SIGNIFICANT EVENTS</b>
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1. On 06-02-2009, during a search warrant in Pooler, CNT agents recovered two ounces of powder cocaine, an AR-15 rifle, and one handgun. Agents had previously secured three charges for Sale of Cocaine on the suspect. They charged him additionally with Trafficking Cocaine and Possession of a Fire Arm by a Convicted Felon.
2. During the week of June 8, two CNT agents assisted the U.S. Marshal Service in "Operation Falcon". This operation concentrated on outstanding arrest warrants held by various agencies and other fugitives in the area.
3. On 06-26-2009, CNT agents assisted the GBI in a search warrant executed on E. 31<sup>st</sup> Street. More than 9 pounds of marijuana were seized.
4. During the month of June, Tactical Team 1 conducted a warrant sweep of suspects in a long term investigation. Six suspects were arrested on a total of twenty warrants.
5. On 07-01-2009, Investigators executed a search warrant at a business, "Grillz by Mo", located on the Southside of Savannah, and another at the business owner's residence located in close proximity to the business. A search of the business produced a .22 caliber pistol, scales, and a bag containing over 40 bags of cocaine packaged for distribution. Two more firearms, several ounces of cocaine, 100 pills of ecstasy, and marijuana plants were found at the residence.
6. On 07-08-2009, Investigators concluded a joint investigation with ICE. The target suspect was identified as being in the United States illegally. During the investigation it was learned that the suspect had a drug supplier in Beaufort, South Carolina. Drug agents in Beaufort County were contacted and assisted in the investigation. This resulted in the original suspect being arrested and the seizure of over 8 ounces of Cocaine in Chatham County. His supplier and 1 other person were arrested in Beaufort and agents there seized over 10 ounces of Cocaine and a vehicle.
7. On 08-11-2009, agents executed a search warrant on College Drive in Thunderbolt. Agents seized approximately 35 grams of powder cocaine, over sixty grams of marijuana, digital scales, packaging materials, and counterfeit U.S. currency. The suspect is a Chatham County employee and was arrested for sale of cocaine, trafficking in cocaine, and possession of marijuana with the intent to distribute.
8. On 08-23-2009, agents concluded a joint short investigation with Fort Stewart CID involving the sales of ecstasy. Two suspects were arrested for the sale of ecstasy and marijuana. Other evidence seized as a result of the arrest was additional ecstasy, marijuana, digital scales, and a FNH 5. Caliber semi-automatic pistol. This firearm also had a fixed laser sight, an additional tactical light, and an inside the pants concealment holster. This firearm was loaded and had an additional box of 20 rounds that were designed to penetrate ballistic vests. A check also revealed that the firearm had been stolen in a residential burglary in 2007 in Savannah. One suspect was found to be a multi-convicted felon on probation. Agents contacted BATF in reference to federal charges under Project Ceasefire.
9. On 08-27-2009, agents executed four search warrants in the East park Avenue area. This resulted in nine arrests and the seizure of additional crack cocaine, powder cocaine, and marijuana.
10. On 09-10-2009, Investigations concluded an investigation involving several local ecstasy dealers. Three subjects were arrested for sale of ecstasy including a juvenile female.
11. On 09-30-2009, the Major Case Unit concluded several investigations involving a number of drug traffickers located on Tybee Island. This resulted in the arrests of six suspects for the sale of controlled substances/marijuana.

**DRUG INVESTIGATIONS**  
***HOURS WORKED BY ZONE***

SCMPD – West Chatham Precinct	993
SCMPD – Downtown Precinct	1127
SCMPD – Central Precinct	1421
SCMPD – Southside Precinct	783
SCMPD – Islands Precinct	506
<b>TOTAL</b>	<b>4830</b>

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Garden City	324
Port Wentworth	88
Bloomington	84
Pooler	205
Thunderbolt	41
Tybee Island	227
<b>TOTAL</b>	<b>969</b>

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Administrative Hours	2860
Case Administration	2326
Central Intelligence	1280
Out of County (Task Force Operations, etc.)	157
Assistance Rendered to Outside Agencies	419
Training	616
Court Hours	227
<b>TOTAL</b>	<b>7850</b>

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**Total Hours Worked** **13,649**

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**6. BOARD CONSIDERATION OF CONCEPTUAL APPROVAL AS TO WHETHER TO ADOPT FALSE ALARM ORDINANCE TO MIRROR TO THE EXTENT POSSIBLE THAT OF THE CITY OF SAVANNAH'S FALSE ALARM ORDINANCE IN ORDER TO FACILITATE SAVANNAH-CHATHAM METROPOLITAN POLICE DEPARTMENT'S ENFORCEMENT ABILITY.**

Commissioner Odell said, move for approval. Commissioner Thomas said, second.

County Attorney Hart said, I need some direction, and basically I need to know whether y'all want us to — we're going to make this as similar as possible to the City of Savannah's as we can. We're going to have to, because of our structure, we're going to have to do some things different, but I do want to know whether you want to have a senior citizen discount and, if so, what kind of eligibility. I can come back with options on that. Commissioner Odell said, which might be good. Commissioner Holmes said, yes. County Attorney Hart said, and then I need to know whether you want a raise the alarm level. Right now in the City ordinance if you have more than three false alarms, you get fined. Do you want to raise that to four for residential Holmes? Do you want to have a low income option, and then do you want to — under the City ordinance, you get \$100 fine and you can also be taken off the alarm certification list for no response to your alarm. You just need to be aware of that. And then do you want to give your Police Chief the opportunity to designate certain areas that [inaudible].

Chairman Liakakis said, Jon [Hart], when I was on City Council I saw that it was costing the Savannah Police Department and the City of Savannah hundreds of thousands of dollars answering all of these false alarms, and most of the false alarms were caused by the subscriber, not because sometimes of course it's the, you know, the failure of the system, but the majority of them, and it was costing the citizens hundreds of thousands of dollars. I was in the business at that time. I'm still in security and investigative division, but we can see now that it has reduced a lot of those factors. I don't think we should put it to four. I think it makes it easier on the police department not to have separate records, but you see if we can, you know, if we have basically the same alarm regulations like the City of Savannah has that it makes it easier for the Chief and his people to administer it and then if we see that there is a problem, we can always come back, this Board, and change something or add something to it. So that's my personal opinion at this time. Chief, would you like to make a statement?

Chief Willie Lovett said, only to say that since we enacted the ordinance of false alarms, our alarm problems have probably gone down 40%, and there are a number of other considerations, if you approve, that I think will be very helpful in terms of the elderly and business owners, and those types.

County Attorney Hart said, the other thing y'all need to be aware of going into this, we're going to have to have an alarm system coordinator to manage this and where we put it and who we put whether it's in Finance or Building Safety and Regulatory Concerns. That remains to be worked out and I am told boy Ms. Cramer that we're going to have to have some software for [inaudible] and things like that, so it's not totally cost free.

Commissioner Odell asked, why we contract with the City? County Manager Abolt said, no.

Chairman Liakakis said, no. This is something that should be separate because you get into what is City and what is County, you know, systems and all of that and it's easier for the County to do that where they have somebody in Finance or somebody else, and it only takes one person. I'm quite familiar with that and it only takes one person to get that information on a daily basis from the police department and go through that and then send out the notice to the people, you know, with this false alarm. And as the Chief said, it has reduced those 40% of false alarms because our citizens are taking a better look at it. They're closing a window, they're shutting a door, they're doing the things that are necessary so they don't have those false alarms.

Commissioner Shay said, Mr. Chairman, I think this is probably a good idea. I think it's an example though of how we keep adopting regulatory infrastructure in the Special Service District unincorporated area that's patterned after the City of Savannah and then not making sure that we devote the resources that are necessary to implement the program. There will be additional administrative costs for this. I'm sure it will be buried somewhere in the Finance Department, which the M&O pays for because that's the way it always turns out. Whatever the additional cost is it will end up being borne by the people Countywide to pay for it and I just — at some point it's got to stop and we've got to get to the point where we sit down and say if we want to make the Special Service District unincorporated area have all the same rules as the City of Savannah and all the same infrastructure and all the same services, then they should probably also be — helped to understand that that's not free.

Chairman Liakakis said, one thing, Patrick [Shay], so that you'll know is what the cost factor that comes in with those false alarms, that's 60% of false alarms they have now, that more than pays for the administration of that. So it's not a burden —, you know, once it gets started and all —.

Commissioner Shay asked, will it be paid for out of the police budget or will it be paid for out of the County M&O? County Manager Abolt said, it will be paid for out of County M&O but I want you to know — we had the discussion before, we have an overhead charge that we charge the SSD. Because the SSD does not get any LOST money — \$11,000,000 we don't get — we've attempted to make a minor compensation for that by lessening the amount of overhead that the SSD plays to M&O.

Chairman Liakakis said, and I can say this, Patrick [Shay] —. Commissioner Shay said, it's zero. County Manager Abolt said, well —. Commissioner Shay said, I saw the budget. I saw the adopted budget. I know what it pays. I know what the

administrative chargeback is, and I'll be quiet because we're in a meeting and I'm going to make it through this one without losing my temper. So I'm done. Thank you very much.

Chairman Liakakis asked, did you want to say something, Priscilla [Thomas] ?

Commissioner Thomas said, yes. Well, thank you, Mr. Chairman. It's getting late. I just wanted to say that my concern was the administrative cost, I mean, I just had that concern, but it's not overly a concern, but what about the weather, you know, inclement weather that triggers your alarm system sometimes. Constantly in some areas where it doesn't happen and others. Another for instance, a company was working on their wiring system in the area and it triggered several times now am I responsible for, you know, for setting off the alarm at one o'clock in the morning because a company is working in the area. Of course, we were informed that they were going to be working, but it did set up —, set off the alarm two times.

Chairman Liakakis said, well, one thing, I can respond to that. If there happens to be caused by the weather if an alarm on that portion, you're not charged for it because if they can show that the weather has caused that and it's easy to get that information that no subscriber is charged a cost factor. You get the first three false alarms on a yearly basis. It doesn't cost you anything. The first one is \$100, second \$100, the third one is \$100, and then it goes up from there, but overall the police department has this down and the administrative of that, that it's not cost to the alarm user if it's caused by weather.

Commissioner Thomas said, well, I just wanted to know because that question was asked of me as well, and of course I've had it to happen to me two times plus a squirrel.

Commissioner Shay said, so the savings to the Metro Police Department and the cost of administering gets taken off —. Commissioner Thomas said, I'm not against it, you know.

County Attorney Hart said, if y'all wish to go forward, y'all just need to tell me to go ahead —. Commissioner Odell said, no vote, just direction. County Attorney Hart said, yes.

County Manager Abolt said, then what we'll do is we come in as always with a staff report that puts funding. The County Attorney will be asked to prepare the ordinance. In his staff report we'll have that paragraph adequately described and at that time we'll attempt to address all these issues on staffing.

County Attorney Hart said, and we'll probably have to put a start date in there when we work out the back-end stuff.

Chairman Liakakis said, and do this. We'll go into that, what Patrick [Shay] was talking about where that money that comes in from the false alarm, how that's handled so we can see about it coming back for the administrative part for the County, and then if there's any overage, we can — this Board can decide what to do on that. Okay, thank you, Chief.

#### **ACTION OF THE BOARD:**

Commissioner Odell made a motion to direct staff to draft a False Alarm Ordinance to mirror to the extent possible that of the csv's False Alarm Ordinance in order to facilitate Savannah-Chatham Metropolitan Police Department's enforcement ability. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

#### **AGENDA ITEM: IX-6 AGENDA DATE: November 20, 2009**

TO: Board of Commissioners  
THRU: R. E. Abolt, County Manager  
FROM: R. Jonathan Hart, County Attorney

#### **ISSUE:**

For Board consideration of conceptual approval as to whether to adopt False Alarm Ordinance to mirror to the extent possible the City of Savannah's False Alarm Ordinance in order to facilitate Savannah-Chatham Metropolitan Police Department's ("SCMPD") enforcement ability.

#### **BACKGROUND:**

The SCMPD is required to take considerable patrol time from officer beats to answer false alarms. The City of Savannah has adopted an ordinance which appears to have cut down on the number of false alarms within its municipal limits. The County should give consideration as to whether it wishes to adopt a similar ordinance. In order to adopt said ordinance, it would require the following:

1. Deleting and repealing the County's False Alarm Ordinance.
2. Amending Article III, Sections 10-301 through 10-306 of Chapter 10 of the County Code.
3. Amending Article Q in the County's Revenue Ordinance to add a new Section 10 entitled "Alarm System Service Fees".

In order for staff to proceed, it needs direction from the Commission as to the following items:

1. Does the County wish to adopt for senior citizens an eligibility for discount "determined under the City contract with a non-profit organization capable of screening

applications according to established criteria and reporting eligibility to the Finance Department”?

2. Does the County wish to set household false alarms at four (instead of three) during a twelve month billing cycle?

3. Does the County wish to consider any type of rebate or relief from households headed by low income seniors, and if so, how is eligibility to be determined?

4. Does the County wish to have a provision similar to the City that “upon the four false alarms, an alarm user will be assessed a billing for \$100.00 for the excessive alarm and notified of suspension as a registered alarm user”? (i.e. Police would not respond.)

5. Does the County wish to place the Chief of Police with the responsibility to identify those critical high risk locations or institutions that will be subject to automatic discretion or may be detrimental to public safety?

#### **Operational Issues**

The current ordinance is drawn so that Building and Regulatory Services will administer registration and fines. Building and Regulatory Services will need to work out operational issues prior to implementation.

The Finance Department will need to resolve data collection and billing functions relating to the ordinance.

#### **FACTS AND FINDINGS:**

1. The SCMPD spends considerable hours answering false alarms in the unincorporated Chatham County.

2. The City of Savannah has adopted a False Alarm Ordinance that has diminished the number of false alarms.

3. The Board of Commissioners could adopt a False Alarm Ordinance similar to the City of Savannah, but will need to address the specific provisions of the ordinance as well as achieve operational status prior to implementation.

#### **FUNDING:**

Will require M & O Funding and may require, as yet to be determined, staff for Finance and Building and Regulatory Services

#### **POLICY ANALYSIS:**

It is in the best interest of the County to diminish the number of false alarms.

#### **ALTERNATIVES:**

For Board Consideration.

RJH/jr

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## **X. ACTION CALENDAR**

(The Board can entertain one motion to adopt the below-listed calendar. Such motion would mean adoption of staff's recommendation. Any Board Member may choose to pull an item from the calendar and it would be considered separately.)

Chairman Liakakis said, we have items 1 through 5 and under Item 5 we have Items A through N.

Commissioner Odell said, I'd like to pull H just for a brief discussion. Chairman Liakakis asked, which one? Commissioner Odell said, H.

Commissioner Farrell said, I make a motion to pass the rest of the items under the Action Calendar. Commissioner Thomas said, second.

Chairman Liakakis said, okay, let's go on the board. The motion carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

#### **ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the Action Calendar, Items 1 through 5-N, except Item 5-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

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[NOTE: ACTION OF THE BOARD IS SHOWN ON EACH ITEM AS THOUGH AN INDIVIDUAL MOTION WAS MADE THEREON.]

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**1. APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF NOVEMBER 6, 2009, AS MAILED.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve the minutes of the regular meeting of November 6, 2009. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

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**2. CLAIMS VS. CHATHAM COUNTY FOR THE PERIOD OCTOBER 29, 2009, THROUGH NOVEMBER 11, 2009.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to authorize the Finance Director to pay the claims against the County for the period October 29, 2009, through November 11, 2009, in the amount of \$5,205,557. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

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**3. REQUEST BOARD CONFIRM A MEMORANDUM OF UNDERSTANDING BETWEEN THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS, RECREATION AND HISTORIC PLACES, AND CHATHAM COUNTY TO FACILITATE THE CONSTRUCTION OF THE SKIDAWAY ROAD SHOULDER/DRAINAGE IMPROVEMENTS PROJECT.**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to confirm a Memorandum of Understanding between the Georgia Department of Natural Resources, Division of Parks, Recreation and Historic Places, and Chatham County to facilitate the construction of the Skidaway Road Shoulder/Drainage Improvements Project. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: X-3**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioners  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A. G. Bungard, P.E., County Engineer

**ISSUE:** To confirm a Memorandum of Understanding between the Georgia Department of Natural Resources, Division of Parks, Recreation and Historic Places and Chatham County to facilitate the construction of the Skidaway Road Shoulder/Drainage Improvements project.

**BACKGROUND:** The Skidaway Road Shoulder/Drainage Project is part of the 1998-2003 SPLOST Romney/Parkersburg Drainage Improvement project. The outfall for storm water collected within the Romney/Parkersburg is the roadside ditch along the westbound side of Skidaway Road. The outfall discharges to the Moon River. Over the years, the volume of storm water increased due to development and resulted in erosion and deepening of the ditch. The natural ebb and flow of tidal waters exacerbated this situation. As a result there is no safe shoulder for automotive vehicles to stop in case of an emergency and there is continued road maintenance required due to the erosion of roadbed soils. Staff believes the situation to be a hazard to the driving public and has the potential to cause a major failure of Skidaway Road.

**FACTS AND FINDINGS:**

1. In 2005 the County approved an engineering services contract for design of the Romney/Parkersburg Drainage Improvements addressing inadequate storm water drainage capacity in the area of #59 Romney Place. During the course of the design work staff

determined that the drainage outfall (the ditch along Skidaway Road) from said improvements had problems with erosion and close proximity to roadway travel lanes.

2. In 2006 the County approved a separate engineering services contract for design of improvements to the Skidaway Road ditch described above under the 2003-2008 SPLOST Unincorporated County Road Program. Again in 2006 the County approved an amendment to the engineering contract to expand the scope of work to include design of a sidewalk along Skidaway Road between Paxton Drive and Ferguson Avenue. The sidewalk project was designed to support pedestrian (walking) traffic across the Skidaway Road causeway as well as to support a bikeway corridor as identified in the 2000 Chatham County Bikeway Plan prepared by the Metropolitan Planning Commission.

3. The design of the Romney/Parkersburg Drainage Improvements to resolve the flooding issues at #59 Romney Place were completed, bids solicited and a recommendation presented to the Board for award of a construction contract. The Board tabled the action indefinitely at its May 9, 2008 meeting.

4. Subsequent to the drainage improvements at Romney Place being tabled, staff removed all work associated with the bike path from the road project, completed design of the outfall improvements along the Skidaway Road ditch, and submitted drawings to the Georgia Department of Natural Resources (GaDNR) for permits required for work within lands regulated under the Coastal Marshland Protection Act. The GaDNR rejected the County's permit request describing its opposition to any plan for a bike path along Skidaway Road in front of the Wormsloe Historic Site.

5. The State of Georgia acquired the Wormsloe Historic Site property and takes great efforts to preserve it as a historic resource, including preserving the appearance of the entranceway. The State determined that any future opportunity of the County to provide a bike path near the Wormsloe Site would be counterproductive to State's goals regarding Wormsloe.

6. The GaDNR requested that Chatham County enter into a Memorandum of Understanding which will codify the County's intent to not pursue construction of bike paths along that portion of Skidaway Road or other lands adjacent to the Wormsloe Historic Site. In return, the GaDNR will agree to lift its objections to the County's road project and then work with the County to mitigate visual and aesthetic impacts that might negatively affect the Wormsloe Historic Site.

7. The Chairman proceeded with execution of the Memorandum of Understanding due to time constraints associated with meeting the schedule of the Georgia Coastal Resources Commission.

8. The Memorandum of Understanding was prepared by staff and found to be legally sufficient by the Chatham County Attorney.

**ALTERNATIVES:**

1. To confirm a Memorandum of Understanding between the Georgia Department of Natural Resources, Division of Parks, Recreation and Historic Places and Chatham County to facilitate the construction of the Skidaway Road Shoulder/Drainage Improvements project.

2. That the Board not confirm the Memorandum of Understanding.

**FUNDING:** No funding is required.

**POLICY ANALYSIS:** The Board must approve intergovernmental agreements.

**RECOMMENDATION:** That the Board approve Alternative 1.

District 1

Prepared by W. C. Uhl, P.E.

=====

**4. REQUEST BOARD APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN CHATHAM COUNTY AND THE HEALTH DEPARTMENT FOR THE DEPARTMENT OF BUILDING SAFETY AND REGULATORY SERVICES TO ASSUME HOUSING CODE ENFORCEMENT**

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve an intergovernmental agreement between Chatham County and the Health Department for the Department of Building Safety and Regulatory Services to assume housing code enforcement duties. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

**AGENDA ITEM:** *X-4*  
**AGENDA DATE:** November 20, 2009

TO: BOARD OF COMMISSIONERS  
 THROUGH: R.E. ABOLT, COUNTY MANAGER  
 FROM: GREGORI S. ANDERSON, DIRECTOR, BUILDING SAFETY &  
 REGULATORY SERVICES

**ISSUE**

Intergovernmental agreement between the Department of Building Safety & Regulatory Services and the County Health Department to assume housing code enforcement duties.

**FACTS AND FINDINGS**

1. The County Health Department has been the enforcement agency for the Minimum Housing Code within the unincorporated limits of the county prior to August 31, 2009.
2. Due to the loss of the certified inspection and the ability to obtain and re-certify a replacement, the Department of Building Safety has assisted with the enforcement duties.
3. The enforcement of the housing code is not supported by a permit revenue stream and is funded through the Health Department operational budget.

**FUNDING**

Chatham County Health Department Operational Budget  
 (No added funding needed - revenue neutral)

**ALTERNATIVES**

1. Approve intergovernmental agreement
2. Provide direction to staff.

**POLICY ANALYSIS**

Historically, the County Health Department has been the enforcement agency for the Minimum Housing Code within the unincorporated area. The enforcement provisions apply to the sanitary conditions, adequate lighting and ventilation, life safety and protection from fire and other hazards incidental to the use and occupancy of residential buildings. The Department of Building Safety has assisted the Health Department with the application of the Housing Code and Building Code and the preparation and presentation of court cases in the past.

Due to the loss of the certified inspector assigned to enforce the housing code, the Health Department has requested that the Department of Building Safety assume the enforcement duties. The Department of Building Safety has field inspectors who are certified and can respond to the requested duties.

The Housing Code enforcement duties are required on an as needed basis. The inspections are not supported by a permit revenue stream and is funded by the Health Department operational budget. The proposed agreement would be effective through June 30, 2010. The termination of the agreement coincides with the end of the county's fiscal year. The additional duties and source of funding for the inspectors in the Department of Building Safety will assist in bridging the departmental budget gap.

**RECOMMENDATION**

Alternative #1 - Approve intergovernmental agreement

IGA 2010-001-3319A

Intergovernmental Agreement  
 Between  
 Chatham County Health Department  
 And  
 Chatham County Building Safety and Regulatory Services  
 Regarding  
 Housing Inspections

This agreement made and entered into this 31<sup>st</sup> day of August 2009 by and between Chatham County Health Department, hereinafter referred to as the DEPARTMENT, and

Chatham County Building Safety and Regulatory Services, hereinafter referred to as the COUNTY.

Whereas, the DEPARTMENT has a need for and desires the services of the COUNTY to provide Housing Inspections for the DEPARTMENT has a need for and desires the services of COUNTY to provide Housing Inspections for the DEPARTMENT on an as needed basis.

Now, therefore, for and in consideration of the promises and mutual covenants hereinafter, it is agreed as follows:

- a) The COUNTY will perform housing inspections as agreed upon by both parties.
- b) The DEPARTMENT agrees to pay the COUNTY \$17.23 per hour for inspections performed, not to exceed eight (8) hours per month. The maximum reimbursement to the COUNTY during the term of this agreement will not exceed \$1,400.00. However, any hours worked beyond eight (8) in any given month will result in additional charges to the DEPARTMENT. The hourly rate for such additional hours will be \$17.23.
- c) The DEPARTMENT will not reimburse the COUNTY for travel costs incurred in the performance of inspection services.
- d) The COUNTY will invoice the DEPARTMENT on a quarterly basis for services performed. The DEPARTMENT will pay COUNTY's invoices upon receipt.
- e) This contract is effective September 1, 2009 and will terminate on June 30, 2010. However, either party may cancel this contract upon 30 days written notice to the other party.
- f) No modification or alteration of this agreement will be valid or effective unless such modification is made in writing, signed by both parties and is affixed to this contract as an amendment.
- g) This Memorandum will not supersede any laws, rules or policies of either party.

**DEPARTMENT:**

**COUNTY:**

\_\_\_\_\_  
Randy McCall, PhD, MPH  
Administrator  
Chatham County Health Department

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name and Title

TO: Rusheda Adeshina, Finance Department  
FROM: Lisa G. Colbert, Assistant County Attorney  
DATE: October 28, 2009  
SUBJECT: Intergovernmental Agreement Regarding Housing Inspections

\_\_\_\_\_  
Rusheda,

Enclosed is the Intergovernmental Agreement Regarding Housing Inspections.

We have made the requested changes and have reviewed the Agreement. The Agreement appears to be fine as to legal form

Please advise if you have any questions.'

/jb  
Enclosure

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**5. REQUEST BOARD APPROVAL TO AWARD BIDS AS FOLLOWS: (Please note that new purchase thresholds of \$10,000 or more have been enacted; however, contracts and change orders of a lesser amount still will appear.)**

	<u>DEPT.</u>	<u>SOURCE</u>	<u>AMOUNT</u>	<u>FUNDING</u>
A. Construction contract for mechanical services at the Resource Conservation Education Center	Public Works and Park Services	Boaen Mechanical	\$20,110	Solid Waste Restricted
B. Extend Intergovernmental Agreement through 30 October 2010 for administration of the Indigent Health Care Program	Commissioners	Health Department	N/A	N/A
C. "Terminate for cause" the construction contract for Concord Road Soccer Field Parking Lot Improvements and approve award to the second lowest responsive bidder	Engineering	<ul style="list-style-type: none"> <li>•Terminate with: J. Hiers Company, Inc.</li> <li>•Contract with: Catamount Constructors</li> </ul>	<ul style="list-style-type: none"> <li>•N/A</li> <li>•\$366,478</li> </ul>	<ul style="list-style-type: none"> <li>•SPLOST (1193-1998) - Concord Soccer Field</li> <li>•SPLOST (2003-2008) - Concord Soccer Field</li> </ul>
D. Mobile power generator with battery charger	Public Works and Park Services	Power and Equipment Solutions	\$19,993	Water and Sewer Enterprise Fund
E. Change Order No. 3 to the annual contract to provide laser jet toner services to recognize manufacturer imposed price increases	Various	Media South Computer Supplies, Inc.	Varies by item	<ul style="list-style-type: none"> <li>•General Fund/M&amp;O - Various</li> <li>•SSD - Various</li> </ul>
F. Change Order No. 1 to the annual contract to provide laser jet toner services to recognize manufacturer imposed price increases	Various	Staples Business Advantage	Varies by item	<ul style="list-style-type: none"> <li>•General Fund/M&amp;O - Various</li> <li>•SSD - Various</li> </ul>
G. One (1) used 2008 Ford Fusion	Administrative Services	Chatham Parkway Toyota	\$13,348	CIP - Vehicle Replacement
H. Four (4) replacement vehicles with trade-ins	C.N.T.	Fairway Lincoln Mercury	\$58,400	CIP - C.N.T. Vehicles
I. Install new poles to raise height of primary along intersection of Johnny Mercer at Bryan Woods Road	Engineering	Georgia Power (Sole Source)	\$17,015	SPLOST (2003-2008) - Intersection Improvements
J. Professional services contract for the design and engineering services for the Taterville Community Center addition	Building Safety and Regulatory Services	Barnard Architects	\$80,250	SPLOST (2003-2008) - Taterville Community Center
K. Increase in the Task Order contract to provide equipment and services for various County capital projects	Engineering	B & D Clearing	NTE \$250,000	<ul style="list-style-type: none"> <li>•SPLOST (1985-1993) (1993-1998), (1998-2003), (2003-2008), (2008-2014)</li> <li>•CIP</li> <li>•Land Bank</li> </ul>
L. Insurance coverage for buildings, contents, computers and related property	Finance	Wells Fargo (Wachovia)	\$641,280	Risk Management Fund
M. Change Order No. 1 to the contract for the installation of a traffic signal and additional lanes at the intersection of Diamond Causeway and State Park Road on Skidaway Island for additional work and extend the contract completion time 86 days	Engineering	Malphrus Construction Company	\$7,015	SPLOST (2003-2008) - Diamond Causeway and State Park Road project
N. Annual contract with option to renew for four (4) additional one (1) year terms for the purchase and installation of various electronic warning devices and consoles to outfit law enforcement vehicles	Fleet Operations	West Chatham Warning Devices	Varies by item	<ul style="list-style-type: none"> <li>•General Fund/M&amp;O - Various</li> <li>•SSD - Various</li> <li>•CIP - Fleet</li> <li>•SPLOST</li> </ul>

**AS TO ITEMS 5-A THROUGH 5-N, EXCEPT ITEM 5-H:**

Commissioner Farrell moved to approve Items 5-A through 5-N, except Item 5-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

**AS TO ITEM 5-H:**

Commissioner Holmes said, Item H, four replacement vehicles with trade-ins. Do we have a particular time for all County services that we go into the market and replace vehicles?

County Manager Abolt said, these are extraordinary because they're CNT vehicles and based on the condition. They're used coming in and I know because you know much better than I, but they're meant to be unidentified. They're vehicles that are — fit into the surroundings in which the agents work, and that's based on Mr. Grant, who's our Fleet Maintenance Operator, and Commander Harris — Director Harris and his people and they buy them as needed it. But this is a nonstandard purchase. Yes we do, when you approve the CIP for the traditional stuff, it's based on an allocation to replace vehicles and we usually come to you to go on State contract and so the early part of the fiscal year you replace vehicles.

Commissioner Odell said, I move for approval. Commissioner Farrell said, second. Commissioner Thomas said, second.

Chairman Liakakis said, alright. Let's go on the board. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

- a. Commissioner Farrell moved to approve Items 5-A through 5-N, except Item 5-H. Commissioner Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]
- b. Commissioner Odell moved to approve Item 5-H for the purchase of four replacement vehicles with trade-ins for the Counter Narcotics Team from Fairway Lincoln Mercury for \$58,400. Commissioners Farrell and Thomas seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

**AGENDA ITEM: *X-5 A thru N***  
**AGENDA DATE: November 20, 2009**

**TO: BOARD OF COMMISSIONERS**  
**THRU: R.E. ABOLT, COUNTY MANAGER**  
**FROM: MICHAEL A. KAIGLER, DIRECTOR**  
**HUMAN RESOURCES & SERVICES**  
**SUBJECT: AWARD OF BIDS**

**ITEM A**

**ISSUE:** Request Board approval to award a \$20,110 construction contract to Boaen Mechanical for mechanical services at the Resource Conservation Education Center.

**BACKGROUND:** Chatham County Public Works and Park Services is proceeding with direction from the County Commissioners to open the Resource Conservation Education Center. Mechanical services to the facility brings the County closer to completing the Center and meeting the goals of the master plan.

**FACTS AND FINDINGS:**

1. As part of the renovation project, the mechanical installation will include all labor and materials to include a 23-SEER energy efficient ductless HVAC system.
2. This project was properly advertised, mailed to five (5) prospective bidders, and opened on 15 October 2009. The bid responses are as follows:

Boaen Mechanical Savannah, GA	\$20,110
Downs Heating & Air Savannah, GA	\$24,865
* E & D Contracting Services Savannah, GA	\$33,800

\* WBE firm

3. Staff has reviewed the low bid and references submitted by Boen Mechanical and believes it to be fair and reasonable.

**FUNDING:** Solid Waste Restricted  
(5404510 - 54.12009)

**ALTERNATIVES:**

1. Board approval to award a \$20,110 construction contract to Boen Mechanical for mechanical services at the Resource Conservation Education Center.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award construction contracts to the low, responsive, responsible bidder.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM B**

**ISSUE:** Request Board approval to extend through 30 October 2010 the Intergovernmental Agreement between the Chatham County Board of Health/Department of Public Health and the Chatham County Board of Commissioners for administration of the Indigent Health Care Program.

**BACKGROUND:** On 10 June 2005 the Board approved an Intergovernmental Agreement that would empower the Chatham County Board of Health to act as the County's agent in the administration of the Indigent Health Care Program.

**FACTS AND FINDINGS:**

1. The current contract for Indigent Health Care with Curtis Cooper Health Center will expire in June 2010. A Request for Proposal will be developed, prepared and issued by the Health Department on behalf of the County.
2. Additionally, as part of the agreement, the Health Department will oversee the performance of any providers of service and with assistance of the County Finance Department be responsible for the administration and oversight of the distribution of indigent healthcare funds appropriated by the Board of Commissioners.
3. There are many "unknowns" with the new national healthcare reform law (s) and the extension of this Intergovernmental Agreement may have other potential benefits to the County.

**FUNDING:** N/A

**ALTERNATIVES:**

1. Board approval to extend through 30 October 2010 the Intergovernmental Agreement between the Chatham County Board of Health/Department of Public Health and the Chatham County Board of Commissioners for administration of the Indigent Health Care Program.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to extend agreements when it is deemed to be in the best interest of the County.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM C**

**ISSUE:** Request Board approval to "terminate for cause" the construction contract with J. Hiers Company, Inc., Baxley, Georgia for Concord Road Soccer Field Parking Lot Improvements and approve award to the second lowest responsive bidder, Catamount Constructors of Savannah for \$366,478.

**BACKGROUND:** On 25 September 2009, the Board approved the \$359,565 award of a construction contract to the J. Hiers Company, Inc. The contract was signed by both

parties, however, the Notice to Proceed was not issued and the Company was notified not to start any work on the project.

**FACTS AND FINDINGS:**

1. One requirement of this bid was for contractors to submit the appropriate state contractor's license with their bid. J. Hiers Company initially submitted a Residential license and not the required Georgia General Contractor's license. J. Hiers Company was afforded the opportunity to provide the required license. An Attorney, representing the contractor and their sub-contractor, assured Purchasing the license would be provided. The Attorney was informed without the proper license the J. Hiers bid would be declared non-responsive. At that time the Senior Procurement Specialist (SPS) was informed by the construction company they would "do anything" not to lose this project.
2. The company soon produced the required State license. Verification by the SPS on the Secretary of State web site reflected the named license holder was in fact a Vice President of J. Hiers Company. Award of contract was approved, forwarded and executed based on this information.
3. Prior to the issuance of the Notice to Proceed, the SPS received a telephone call from the person whose name appeared on the general contractor's license. He stated he did not authorize anyone to use his license or to speak for him. In fact, he stated he would not recognize Mr. J. Hiers if he walked in our office.
4. After learning of this development, the Purchasing Agent and SPS made a conference call to the Attorney and informed her it appeared as if her client had committed fraud by lying about the license. She seemed shocked to hear what had happened. She said she understood the County should cancel the contract and she would not be representing the company further after this incident.
5. The Purchasing Agent notified J. Hiers Company, Inc. Of Notice of Termination for Cause. See attached, pages 17 & 18. As of 13 November 2009, Purchasing has not heard further from anyone associated with J. Hiers Company since this issue came to light. The individual whose license was used without his permission was very livid and stated he was not sure what he would do about this incident.
6. Purchasing staff contacted Catamount Constructors to determine if they would honor their bid as it has been more than sixty (60) days since bid opening. They have verbally agreed as of 13 November. A confirmation letter is being sent. Their bid was \$366,478, slightly less than \$7,000 higher. There were 14 bid responses with only \$48,435 difference between the lowest and the highest bids.
7. The Purchasing Agent will be making a recommendation to the Board to "debar" the contractor under Items For *Individual* Action at the Board's next meeting on 4 December.

**FUNDING:** SPLOST (2003 - 2008) - Concord Soccer Field - \$120,478  
 (3234220 - 52.12003 - 32356397)  
 SPLOST (1993 - 1998) - Concord Soccer Field - \$246,000  
 (3214220 - 52.12003 - 32160617)

**ALTERNATIVES:**

1. Board approval to "terminate for cause" the construction contract with J. Hiers Company, Inc., Baxley, Georgia for Concord Road Soccer Field Parking Lot Improvements and approve award to the second lowest responsive bidder, Catamount Constructors of Savannah for \$366,478.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to terminate contracts when in the best interest of the County and award contracts to the next low responsive bidder.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
 ESTELLE BROWN

BUDGET APPROVAL \_\_\_\_\_  
 CHRIS MORRIS

**ITEM D**

**ISSUE:** Request Board approval of a \$19,993 purchase of a Baldor mobile power generator with battery charger from Power & Equipment Solutions, LLC. of Garden City for Public Works and Park Services.

**BACKGROUND:** The Water and Sewer Section of Public Works and Park Services has two (2) portable generators that are used to provide emergency power for sewer lift stations in the event of power disruptions for County operated sewer systems. Both of these generator units are in excess of 20 years old and are currently non-functioning.

**FACTS AND FINDINGS:**

1. Portable generator power is essential in order to maintain the functioning of the sewer lift stations for County operated systems.
2. The two (2) current portable generators are in excess of 20 years old and are inoperable at this time. Currently there is no emergency back-up power source for County lift station operations. The new replacement generator will be a trailer mounted 25kW diesel engine.
3. Staff obtained quotes from the following three (3) vendors:
 

Power & Equipment Solutions Garden City, GA	\$19,993
Cummins Power South Savannah, GA	\$20,834
Yancey Power Systems Austell, GA	\$25,821
4. Staff believes the low quote by Power & Equipment Solutions to be fair and reasonable.

**FUNDING:** Water and Sewer Enterprise Fund  
(5054400 - 54.25001)

**ALTERNATIVES:**

1. Board approval of a \$19,993 purchase of a Baldor mobile power generator with battery charger from Power & Equipment Solutions, LLC. of Garden City for Public Works and Park Services.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide all appropriate and necessary emergency back-up power sources in order to operate County owned water and sewer systems.

**RECOMMENDATION:** Staff recommends the approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM E**

**ISSUE:** Request Board approval to issue Change Order No. 3 to the Annual Contract with Media South Computer Supplies Inc., of Norcross Georgia to provide laser jet toner services for various departments within Chatham County to recognize the manufacturer imposed price increases.

**BACKGROUND:** On 16 November 2007, the Board approved the award of an annual contract with automatic renewal's options for four (4) additional one year terms, to Media South Computer Supplies Inc.

**FACTS AND FINDINGS:**

1. Media South Computer Supplies Inc., has recently provided a notification of price changes associated with the manufacturer imposed price increases due to the escalating costs in energy, transportation, packaging and raw material. As a result it has raised the price of the items listed below. Media South Computer Supplies Inc., has provided documentation to support the manufacturer's price increase.
2. Staff believes Media South Computer Supplies, Inc., request for the County to contractually recognize the manufacturer price increases to be fair and reasonable.
3. See attached revised price list on pages 19-21.

**FUNDING:** General Fund/M&O - Various  
SSD- Various

**ALTERNATIVES:**

1. Request Board approval to issue Change Order No. 3 to the Annual Contract with Media South Computer Supplies Inc., of Norcross Georgia to provide laser jet toner services for various departments within Chatham County to recognize the manufacturer imposed price increases.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders for documented material price increases when they are initiated by the manufacturer.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM F**

**ISSUE:** Request Board approval to issue Change Order No. 1 to the Annual Contract with Staples Business Advantage of Savannah Georgia to provide laser jet toner services for various departments within Chatham County to recognize the manufacturer imposed price increases.

**BACKGROUND:** On 16 November 2007, the board approved the award of an annual contract with automatic renewal's options for four (4) additional one year terms, to Staples Business Advantage.

**FACTS AND FINDINGS:**

1. Staples Business Advantage has recently provided a notification of price changes associated with the manufacturer imposed price increases due to the escalating costs in energy, transportation, packaging and raw material. As a result it has raised the price of the items listed below. Media South Computer Supplies Inc., has provided documentation to support the manufacturer's price increase.
2. Staff believes Staples Business Advantage request for the County to contractually recognize the manufacturer price increases to be fair and reasonable.
3. See attached revised price list on page 22.

**FUNDING:** General Fund/M&O - Various  
SSD- Various

**ALTERNATIVES:**

1. Request Board approval to issue Change Order No. 1 to the Annual Contract with Staples Business Advantage of Savannah Georgia to provide laser jet toner services for various departments within Chatham County to recognize the manufacturer imposed price increases.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve change orders for documented material price increases when they are initiated by the manufacturer.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
READ DEHAVEN

**ITEM G**

**ISSUE:** Request Board approval of a \$13,348 purchase of a used 2008 Ford Fusion from Chatham Parkway Toyota of Savannah for Administrative Services.

**BACKGROUND:** This is a replacement vehicle for unit #367 which is one that is worn out beyond economic repair. The purpose for this vehicle is to provide general transportation for the department.

**FACTS AND FINDINGS:**

1. Staff has a standing request with the local car dealership for "good" used vehicles. When a vehicle is located the dealership contacts Fleet Operations.

- 2. Chatham Parkway Toyota informed staff they had a used 2008 Ford Fusion. The Fleet Manager and a representative from Administrative Services believe the total cost of \$13,348 to be fair and reasonable.

**FUNDING:** CIP - Fleet Replacements  
(3501567 - 54.22001 - 3503004A)

**ALTERNATIVES:**

- 1. Request Board approval of a \$13,348 purchase of a used 2008 Ford Fusion from Chatham Parkway Toyota of Savannah for Administrative Services.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to provide the necessary vehicles to the using departments.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM H**

**ISSUE:** Request Board approval of a \$58,400 purchase of four (4) used non-typical replacement vehicles for C.N.T. from Fairway Lincoln Mercury of Savannah, GA and authorized the disposal of four (4) vehicles that will be used as trade-ins.

**BACKGROUND:** C.N.T. has approved funding to replace 13 vehicles through the CIP, Police Merger. These vehicles are no longer suitable for department operation. The trade-in will simplify the purchase of four vehicles.

**FACTS AND FINDINGS:**

- 1. To meet C.N.T.'s needs, staff requested quotes from only the local car dealers that normally respond to bids. Specifications required each firm to submit pricing on appropriate vehicles. This provides C.N.T. with maximum flexibility.
- 2. The Fleet Manager and a representative from C.N.T. selected the following vehicles based on utility and value.
- 3. The vehicle selected was:

Fairway Lincoln Mercury	4 vehicle	\$ 85,900
Less trade-in		(27,500)
Total Purchase		\$58,400

**FUNDING:** CIP - Fleet Replacement  
(3503222 - 54.22001 - 35030650)

**ALTERNATIVES:**

- 1. Request Board approval of a \$58,400 purchase of four (4) used non-typical replacement vehicles for C.N.T. from Fairway Lincoln Mercury of Savannah, GA and authorized the disposal of four (4) vehicles that will be used as trade-ins.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve the purchase of replacement vehicles for law enforcement activities.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM I**

**ISSUE:** Request Board approval to award a \$17,015 contract with Georgia Power for the raising of the distribution line power poles in order to complete installation of a new traffic signal at the intersection of Johnny Mercer Boulevard and Bryan Woods Road.

**BACKGROUND:** The Board awarded a construction contract to A.D. Williams on May 8, 2009. The notice to proceed was issued on July 1, 2009 and construction on the project began on July 6, 2009.

**FACTS AND FINDINGS:**

1. The project is for intersection improvements at the intersection of Johnny Mercer Boulevard and Bryan Woods Road. The improvements include construction of a new traffic signal, the addition of pedestrian facilities and minor geometric upgrades to allow residents living on M.L. Owens Road to have a safer access onto Johnny Mercer Boulevard.
2. During construction it became apparent that the location of the new strain poles for the traffic signal would conflict with Georgia Power's existing facilities located at the intersection.
3. The distribution line is owned by Georgia Power. Georgia Power will raise the existing electrical power facilities around the intersection to allow for the installation of the new strain poles for the intersection improvements. The cost to raise the power poles at the intersection will be \$17,015.

**FUNDING:** SPLOST (2003 - 2008) - Unincorporated Roads, Intersection Improvements (3234220 - 52.12003 - 32355597) (pending Board approval of budget transfer)

**ALTERNATIVES:**

1. Board approval to award a \$17,015 contract with Georgia Power for the raising of the distribution line power poles in order to complete installation of a new traffic signal at the intersection of Johnny Mercer Boulevard and Bryan Woods Road.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve contracts when it is in the best interest of the County.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM J**

**ISSUE:** Request Board approval to award an \$80,250 professional services contract to Barnard Architects for the design and engineering services for the Tatemville Community Center Addition.

**BACKGROUND:** The Tatemville Community Center addition will be a multi-purpose space that will accommodate social gatherings and limited sports events. The seating capacity in a banquet type setting shall range between 200-300 persons. The multi-purpose space shall also have the ability to be divided into smaller spaces that can accommodate 100-150 persons. Additional support spaces are to include office (police substation), catering kitchen, classroom/meeting room and small library.

**FACTS AND FINDINGS:**

1. Proposals were solicited for Design/Engineering Services for the facility addition. Eleven design firms submitted proposals. The proposals were scored by the evaluation committee and the top three (3) high scoring firms were interviewed. (See attached matrix on pages 23-25 for detailed scoring). Barnard Architects received the highest score.
2. Barnard Architects has since submitted a final Scope of Services and the fee of \$80,250 for this project. Staff believes that the fee for this plan from Barnard Architects is fair and reasonable.
3. The City of Savannah has not committed to the maintenance and operation of the finished addition.

**FUNDING:** SPLOST (2003 - 2008) - Tatemville Community Center (3234980 - 54.13011 - 32370260)

**ALTERNATIVES:**

1. Board approval to award an \$80,250 professional services contract to Barnard Architects for the design and engineering services for the Tatemville Community Center Addition.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award design contracts to the highest scoring qualified firm.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

#### ITEM K

**ISSUE:** Request Board approval to increase from \$150,000 to an amount not to exceed \$250,000 for the Term Contract with B & D Clearing to provide construction equipment, services and materials.

**BACKGROUND:** On 14 August 2009, the Board approved a Term Contract with B & D Clearing for an amount not to exceed \$150,000 to provide for construction equipment rental (with operator and fuel) for County projects. Tasks typically include clearing, grubbing, earthmoving, demolition and debris removal. The contract has proven to be cost effective in providing timely construction services on a variety of projects without having to do detailed engineering plans with consultants.

#### **FACTS AND FINDINGS:**

1. The contract was intended to be used for rental of construction equipment for projects. It was not intended to be used for reimbursement of material costs (such as crushed stone, geo-textile, concrete pipe). On some projects, due to unforeseen conditions on the projects, the estimates for equipment costs were exceeded.
2. This contract has thus far been used for jail expansion preparatory work, earthwork at the wetlands mitigation bank and Truman Parkway, Phase 5 debris hauling. Work is in progress on the Jail Road reconstruction to provide reliable access to the Detention Center project.
3. All of the construction work and use of construction materials has been properly accounted for and used in the projects. The increase in the not to exceed amount will provide for the timely completion of work in progress on several projects.

**FUNDING:** SPLOST - (1985-1993), (1993-1998), (1998-2003), (2003-2008), (2008-2014)  
CIP  
Land Bank

#### **ALTERNATIVES:**

1. Board approval to increase from \$150,000 to an amount not to exceed \$250,000 for the Term Contract with B & D Clearing to provide construction equipment, services and materials.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to award Term Contracts and modify those contracts when it is in the best interest of the County.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

#### ITEM L

**ISSUE:** Request Board approval to authorize separation of County and Library property and to renew building, contents, computer, and related property insurance coverage based on quotations provided by the County's broker of record, Wells Fargo (Wachovia) with an annual premium of \$641,280.

**BACKGROUND:** The County currently insures \$253 million of building, contents and computer equipment through Travelers, Cincinnati and Hartford Insurance Companies.

#### **FACTS AND FINDINGS:**

1. Underwriting restrictions with regard to coastal and governmental property significantly limits the number of insurers interested in providing coverage. The three existing carriers' quotations were the most comprehensive and cost beneficial. A summary of all carriers contacted and their responses is attached.

2. The annual premium rates remained the same, however, the overall annual premium increased from \$552,135 to \$641,280 based on updated property, content and computer values based on the annual insurance appraisal. A Premium Overview/comparison is attached.
3. Based upon a recommendation from our property claims consultant, Adjusters International, the Live Oak Public Library property is now written under a separate policy. Live Oak will be considered a separate applicant agent in the event of a Presidential declaration. Library coverage is at the same terms and conditions as County property.
4. The Tybee Pavilion, Library and various communications equipment are covered under a separate property policy with a renewal date of 3 May 2010. The Tybee Pier is not insurable.
5. Renewal premium quotations include coverage for the Civil Rights Museum (\$7,971) and Terrorism for all locations (\$14,230). This coverage is optional.
6. The following is a summary of renewal quotations from existing carriers:

<b>Insurance Carrier</b>	<b>2008 -2009 Expiring Premium</b>	<b>2009 – 2010 Renewal Premium</b>
Travelers		
2008: TIV: \$ 105,267,000		
2009: TIV: \$ 117,017,500	\$293,665	\$326,448
(Detention Center/Judicial Courthouse)		
(TIV = Total Insured Values)		
Cincinnati		
2008: TIV: \$140,602,973		
2009: TIV: \$124,533,435	\$244,406	\$220,798
(All Other Property – except Libraries)		
Cincinnati		
2008: TIV: Included above		
2009: TIV: 41,733,861	Included above	\$ 78,859
(Libraries – except Tybee)		
Hartford		
2008: TIV: \$7,585,055		
2009: TIV: \$8,185,085	\$ 14,064	\$ 15,175
(Computers – All locations)		

**FUNDING:** Risk Management Fund – Insurance and Surety Bond Premium  
(6259922 - 52.31021)

**ALTERNATIVES:**

1. Request Board approval to authorize separation of County and Library property to renew building, contents, computer, and related property insurance coverage based on quotations provided by the County’s broker of record, Wells Fargo (Wachovia) with an annual premium of \$641,280.
2. Provide other direction.

**POLICY ANALYSIS:** Insurance carriers continue to place underwriting restrictions on coastal and governmental property. Current carriers offered renewals at the same premium as last year with no decrease in coverage levels.

**RECOMMENDATION:** Staff recommends approval Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
ESTELLE BROWN

**ITEM M**

**ISSUE:** Request Board approval for a \$7,015 Summary Change Order No. 1 to the construction contract with Malphrus Construction Company for the relocation of a sewer line and undercut of unsuitable soil and to extend the contract completion time 86 days.

**BACKGROUND:** The Board approved the project on 26 July 2008 for the installation of a traffic signal and additional lanes at the intersection of Diamond Causeway and State Park Road on Skidaway Island.

**FACTS AND FINDINGS:**

1. The project is substantially complete.
2. A six (6) inch sewer line servicing Skidaway Island State Park was discovered by the Contractor while installing a new storm drain pipe. The line was part of a private utility, which made it difficult to locate, and was not identified by the standard utility location markings. After review of the pipe elevations, it was determined by staff that relocation of the six (6) inch force main was necessary to install the storm drain pipe at the required grade. The contract did not include a line item for relocation of sewer lines. The cost was \$5,890 and required six (6) additional days to relocate the six (6) inch force main.
3. During final grading operations on Diamond Causeway it became apparent that the soil in one area contained an excessively high organic component. The Contractor undercut and replaced 150 cubic yards of soil in the area [which was outside the original scope of work] at a price of \$1,125. No additional time was required for this work.
4. In December 2008, placement of a layer of asphalt on the existing road was required to proceed with the project. A minimum air temperature of 45 degrees was needed to place the asphalt. Unusually cold weather during the month of December resulted in the Contractor not being able to proceed with the work for a period of twenty days. Staff recommends adding 20 calendar days of contract time for weather delay.
5. Delivery of metal mast arm poles for the traffic signal at Diamond Causeway and State Park Road was two (2) months later than expected. The manufacturer explained that they were backlogged because they had to adapt their equipment to accommodate new Georgia Department of Transportation requirements. The Contractor was not able to proceed with the work on the traffic signal until the poles were set in place, thereby adding 60 days to completion time due to material fabrication delay.
6. Contract history:
 

Original Contract (7-25-08 )	\$1,404,622
Summary Change Order No. 1 ( pending)	\$ 7,015
Revised Contract Amount	\$1,411,637

**FUNDING:** SPLOST (2003 - 2008) - Diamond Causeway/State Park Road project (3234220 - 54.14001 - 32356517)

**ALTERNATIVES:**

1. Board approval of Summary Change Order No. 1 in the amount of \$7,015 to construction contract with Malphrus Construction Company for the relocation of a sewer line and undercut of unsuitable soil and to extend the contract completion time 86 days.
2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Boar policy to approve summary change orders necessary for the completion of construction projects.

**RECOMMENDATIONS:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
CHRIS MORRIS

**ITEM N**

**ISSUE:** Request Board approval to “piggy-back” off of the City of Savannah’s solicitation to award an annual contract with option to renew for four (4) additional one (1) year terms for the purchase and installation of various electronic warning devices and consoles to outfit law enforcement vehicles from West Chatham Warning Devices.

**BACKGROUND:** When new law enforcement vehicles are purchased it is necessary for warning devices to be installed. Outfitting is done prior to the units being introduced into the fleet. These warning devices ensure the safety of the officers and the public.

**FACTS AND FINDINGS:**

1. The City of Savannah issued a solicitation for warning devices. The low responsive offeror who met all specifications, West Chatham Warning Devices, was awarded the contract.

- 2. Warning devices include lightbar, strobe, siren, console and speakers.
- 3. The Purchasing Ordinance and Procedures manual allows the County to purchase off other municipalities competitive solicitations. Therefore, staff is requesting approval to "piggy-back" off of the City of Savannah's solicitation.
- 4. West Chatham has agreed to honor the same prices, terms and conditions to the County. See attached price list on pages 26-29.
- 5. Staff believes cost to be fair and reasonable.

**FUNDING:** General Fund/M&O - Various  
 SSD - Various  
 CIP - Fleet  
 SPLOST

**ALTERNATIVES:**

- 1. Request Board approval to "piggy-back" off of the City of Savannah's solicitation to award an annual contract with option to renew for four (4) additional one (1) year terms for the purchase and installation of various electronic warning devices and consoles to outfit law enforcement vehicles from West Chatham Warning Devices.
- 2. Provide staff other direction.

**POLICY ANALYSIS:** It is consistent with Board policy to approve purchases for necessary equipment for law enforcement.

**RECOMMENDATION:** Staff recommends approval of Alternative 1.

BUDGET APPROVAL \_\_\_\_\_  
 READ DEHAVEN

PREPARED BY \_\_\_\_\_  
 PURCHASING AGENT

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**XI. FIRST READINGS**

Proposed changes to ordinances must be read or presented in written form at two meetings held not less than one week apart. A vote on the following listed matters will occur at the next regularly scheduled meeting. On first reading, presentation by MPC staff and discussion only by Commissioners will be heard. Comments, discussion and debate from members of the public will be received only at the meeting at which a vote is to be taken on one of the following listed items.

None.

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**XII. SECOND READINGS**

**1. REQUEST BOARD APPROVAL OF AMENDMENT TO SECTION 12-301 OF THE COUNTY CODE REGARDING COMMERCIAL VEHICLES PARKING IN RESIDENTIAL AREAS.**

Commissioner Farrell said, so moved. Commissioner Odell said, second.

Chairman Liakakis said, let's go on the board . The motion carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.] Chairman Liakakis said, the motion passes.

**ACTION OF THE BOARD:**

Commissioner Farrell moved to approve an amendment to Section 12-301 of the County Code regarding commercial vehicles parking in residential areas. Commissioner Odell seconded the motion and it carried unanimously. [NOTE: Commissioners Stone, Gellatly and Kicklighter were not present.]

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**XIII. INFORMATION ITEMS**

**1. PROGRESS REPORT ON GENERAL FUND CONTINGENCY ACCOUNT - M&O AND THE SPECIAL SERVICE DISTRICT (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached as information.

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**2. LIST OF PURCHASING ITEMS BETWEEN \$2,500 AND \$9,999 (SEE ATTACHED).**

**ACTION OF THE BOARD:**

A status report was attached as information.

**AGENDA ITEM: XIII-2**  
**AGENDA DATE: November 20, 2009**

List of Purchasing Items between \$2,500 and \$9,999  
 That Do Not Require Board Approval

ITEM	DEPT.	SOURCE	AMOUNT	FUNDING
Four (4) hot water coils for air handlers	Detention Center	Baker Distributing Company, Inc.	\$3,570	General Fund/M&O - Detention Center
177 cases of anti-bacterial soap	Detention Center	Coastal Paper-Sail Chemical Company (Sole Source)	\$4,727	General Fund/M&O - Detention Center
Five (5) Dell desk top computers	Detention Center	Dell Marketing, L.P. (State Contract)	\$7,064	General Fund/M&O - Detention Center
Youth football officials from 14 September 2009 to 30 September 2009	Public Works and Park Services	Coastal Football Association (Sole Source)	\$3,030	General Fund/M&O - Parks and Recreation
5,000 lbs. of blended perennial ryegrass	Public Works and Park Services	John Deere Landscapes, Inc.	\$4,000	General Fund/M&O - Parks and Recreation
Annual agreement renewal for Pilotbrief data plan	Mosquito Control	WSI, Inc.	\$3,540	General Fund/M&O - Mosquito Control
Demolition of house at 9111 Whitefield Avenue	Engineering	Rico Strong Construction, LLC	\$4,265	SPLOST (1993-1998) - Whitefield Avenue Widening
Demolition of house at 1347 Crossbrook Place	Engineering	JCS Construction Services, Inc.	\$3,750	SPLOST (1993-1998) - Whitefield Avenue Widening

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**3. ROADS AND DRAINAGE REPORTS**

**ACTION OF THE BOARD:**

Status reports were attached as information.

**AGENDA ITEM: XIII-3 Roads**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioner  
**THRU:** R. E. Abolt, County Manager  
**FROM:** A.G. Bungard, P.E., County Engineer

**ISSUE:** To provide information on the status of Chatham County road projects.

**BACKGROUND:** The GDOT priorities for funding projects under the State Transportation Improvement Program (STIP) and the Long Range Transportation Plan (LRTP) are changing frequently. The GDOT included no Chatham County projects in either Phase 1 or Phase 2 of the American Recovery and Reinvestment Act (ARRA).

**FACTS AND FINDING:**

1. Truman Parkway, Phase 5. Right of way (ROW) is certified. The Final Field Plan Review (FFPR) was held March 11, 2009. The GDOT submitted for funding under the Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program on September 15, 2009. GDOT moved the let date to February 19, 2010 to await TIGER results.

2. Diamond Causeway. The GDOT let a design/build contract on October 16, 2009. The apparent low bid was \$22.5 million to construct a two lane high level bridge over Skidaway Narrows to replace the bascule bridge.

3. Whitefield Avenue. ROW acquisition (closed on 47 of 81) and demolition of structures is underway. Expect to certify ROW in May 2010. Funding for construction in the STIP is FY 2011.

4. Local Roads

a. Troy Street, Catherine Street, Adeline Street, Billings Road, Elmhurst Road, Beechwood Road, Ridgewood Road. Dirt roads for paving. Billings Road has one condemnation pending. Board awarded a construction contract to pave Catherine Street and Adeline Street on October 16, 2009. Estimated completion is March 2010. Final plans have been submitted for remainder, except for Troy Street.

b. Bond Avenue, Betran Avenue. Paving of Betran was completed in August 2009. Paving Bond is substantially complete, awaiting correction of punch list and a stand of grass.

c. Pyeland Avenue. Board approved award of construction contract on September 25, 2009. Estimated completion is February 2010.

d. Wright Avenue and Fenwick Avenue. Under design for paving.

e. Intersection improvements on Chatham Parkway at Veterans Parkway and Garrard Avenue. Project will install signals at ramps from Veterans Pkwy to Chatham Pkwy. Board awarded a construction contract on September 11, 2009. Estimated completion is May 2010.

f. Intersection improvements on King George Blvd at Grove Point Road. Construction plans to install turn lanes and signalize the intersection are complete. Right of way has been acquired. Utility relocation is in progress.

**RECOMMENDATION:** For information.

Districts: All

**AGENDA ITEM: XIII-3 Drainage**  
**AGENDA DATE: November 20, 2009**

**TO:** Board of Commissioners

**THRU:** R. E. Abolt, County Manager

**FROM:** A.G. Bungard, County Engineer

**ISSUE:** To provide information on the status of Chatham County drainage projects.

**BACKGROUND:** For awarded construction contracts, this report provides the latest scheduled completion dates. For projects pending environmental permits, start dates are best estimates. Project scopes include varying degrees of canal widening, bank stabilization, bridges and culverts.

**FACTS AND FINDING:**

1. Pipemakers Canal. The Pipemakers Canal extends from Bloomingdale to the Savannah River (over 13 miles). The project includes canal widening, bank stabilization, sluice gates and culverts. Construction of the sluice gate structure and channel improvements from SR 21 to the Savannah River (about 1.4 miles) was completed in 2005. Staff is working toward a construction contract for the next phase of the project. A separate project to improve operating efficiency and longevity of the sluice gates is also underway.

2. Hardin Canal. The Hardin Canal extends from Bloomingdale to Salt Creek near US 17 (over 12 miles). The project includes canal widening, bank stabilization, bridges and culverts. Design has been completed on a project to replace golf cart bridges between I-16 and Southbridge Boulevard. Staff expects to advertise the project for construction bids in December 2009. The SR 307/Hardin Canal Bridge Culvert project includes the installation of three precast bottomless arch culverts over branches of the Hardin Canal and limited site work for the future widening of Dean Forest Road. The Board awarded a construction contract on November 6, 2009. Construction is expected to take about a year, with temporary closure of Dean Forest Road during the summer of 2010.
3. Conaway Branch Canal. The Conaway Canal extends from Bloomingdale at US 80 to Pipemakers Canal (about 1.6 miles). The project includes canal widening, bank stabilization and larger culverts. The Board awarded a construction contract on November 6, 2009. Construction is expected to take about four months, with temporary lane closures along Conaway Road and Hiram Road.
4. Wilmington Park Canal. The Wilmington Park Canal extends from North Cromwell Road to the Wilmington River (about 1.4 miles). The project includes canal widening, bank stabilization and culverts. Construction of new culverts with tide gates at Wilmington Island Road was completed in 2002. A project to install rip rap erosion protection at the culvert achieved substantial completion in November 2009.
5. Queensbury Drainage Improvements. The project area is south of Montgomery Cross Road and west of Ferguson Avenue and includes Tara Manor, Lakeview and the Forest City Gun Club. The project includes canal widening, culverts and access for maintenance. Staff is currently working on an early phase to mitigate inadequate drainage capacity of the system serving the Ennis Mobile Home Park and in the area between the Gun Club and the Truman Parkway.
6. Kings Way Canal. The Kings Way Canal extends from the Kingswood Subdivision to Whitefield Avenue (about 0.7 miles). The project includes canal widening, bank stabilization and culverts. Phase 1 was completed in 2005 as a part of the construction of Truman Parkway. Phase 2 is complete. Staff is discussing acquisition of drainage easements from the Gun Club that will enable construction of drainage improvements around the back side of the subdivision.
7. Louis Mills / Redgate Canal. The Louis Mills and Redgate Canals are tributaries to the South Springfield Canal. A contract to widen the channel and replace culverts between Garrard Avenue and the railroad was awarded by the Board on June 12, 2009. Construction is underway. Garrard Avenue was reopened prior to September 1, 2009 as expected. Staff is discussing a project change with the Contractor to extend the project farther upstream to take advantage of the competitive unit prices contained in the existing contract. A contract change order will be presented to the Board for approval upon completion of these discussions.
9. Ogeechee Farms Area. The Ogeechee Farms project includes improvements to canals and culverts. Phase 1 was completed in July 2005 (piped in about 0.2 miles of channel south of Vidalia Road and replaced a road crossing at Waynesboro Road). A contract to construct Phase 2 which includes improving several undersized culverts along the Vidalia Canal south of Vidalia Road was awarded by the Board on August 14, 2009. Construction began in September 2009 and is expected to be complete in February 2010.
10. Quacco Canal. The Quacco Canal extends from the Little Ogeechee River to the Regency Mobile Home Park (about 4 miles). The project includes canal widening, bank stabilization, culverts, and providing access for maintenance. Completed work included enlarging the US 17 culverts and removal of the rice box flow control structure. A contract to construct drainage improvements including replacement of two culverts at Quacco Road and installation of a new storm sewer pipeline was awarded by the Board on October 16, 2009. Construction is expected to begin in December 2009 and be complete by January 2011.
11. Norwood Drainage Outfalls. The project will improve drainage capacity and access for maintenance. Four outfalls along Norwood, between Skidaway Road and Lester Avenue, are being considered for improvements. Design work is underway for the outfall at Skidaway Road. Design work is also underway for improvements for the Norwood Place outfall.
12. Henderson/Gateway. Drainage is provided by the Little Neck Canal and the Henderson Branch Canal (combined length about 2 miles). Development of the subdivisions led to increased rates and volumes of storm water runoff which the canals cannot handle. Design work is underway to revise the construction drawings to incorporate utility relocation work involving City of Savannah water and sewer systems. Construction of a larger culvert at Little Neck Road is approximately 50 percent complete.
13. Shipyard-Beaulieu Area. The project will be accomplished in phases. The first phase will replace the storm drain pipe at Beaulieu Avenue. A contract to construct this phase was

awarded by the Board on August 14, 2009. Construction began in September 2009 and is expected to be complete in December 2009.

14. Grange Road Canal. The project to relieve flooding extends from Pipemakers Canal to north of Grange Road (about 1.8 miles). The original concept identified the need for an outfall to the Savannah River within the unopened right of way of Grange Road. In 2007, the GPA requested that the right of way be abandoned for a container berth expansion. Staff is coordinating the County's needs for drainage improvements with GPA's needs to expand.

15. Skidaway Road. The project will improve roadside drainage and address vehicle safety issues along a portion of Skidaway Road near Wormsloe. Preliminary construction plans are complete and rights of way acquisitions are complete for all properties. A Memorandum of Understanding with the Georgia Division of State Parks concerning that department's objections to the project is pending confirmation by the Board. Staff hopes to obtain project approval from the Coastal Resources Division in December 2009.

16. LaRoche Culvert. The project includes the replacement of a drainage culvert located under LaRoche Avenue north of Lansing Avenue. The culvert replacement is in response to a deteriorating brick arch culvert with several cracks. A prospective consultant has been selected utilizing the Quality Based Selection (QBS) process and staff is in the process of negotiating a scope of services and fee for a Professional Services Agreement contract.

17. Lehigh-Shipyard Lane Area. The project will relieve roadside drainage issues causing nuisance flooding in the Lehigh Avenue and Shipyard Lane area. Design work is underway for improvements within the existing Lehigh Avenue right-of-way from Shipyard Road to Shore Avenue.

18. Laberta-Cresthill Area. The project will relieve flooding within the Cresthill Subdivision. An engineering firm has been engaged to perform an evaluation of the storm water drainage system and the outfall to Haneys Creek. Recommendations are expected in November 2009.

19. Quacco Canal Drainage Extension. The project will relieve drainage issues causing street and nuisance flooding in the Willow Lakes Subdivision. Preliminary design work is underway to extend the piping network from Quacco Trail to the existing lake within the subdivision.

20. Bellview Drive Drainage Improvements. The project is being designed by staff to improve drainage problems involving standing water that is a primary cause of pavement degradation and public nuisance. Working with the Department of Public Works, staff developed a project scope and is negotiating construction of a new storm drain system. Due to the small size of the project, staff is utilizing an existing Task Order Contract to complete the work.

**RECOMMENDATION:** For information.  
Districts: All

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## **ITEMS FROM EXECUTIVE SESSION**

1. **REQUEST BOARD APPROVE A SETTLEMENT OF A CLAIM REGARDING A VEHICLE ACCIDENT OF OCTOBER 21, 2009, INVOLVING AGENT GREGORY L. MITCHELL AND POLLY SIMS (JONATHAN HART).**

### **ACTION OF THE BOARD:**

Commissioner Farrell moved to approve a motion to settle a claim regarding a vehicle accident of October 21, 2009, involving agent Gregory L. Mitchell and Polly Sims in the amount of \$5,718. Commissioner Shay seconded the motion and it carried unanimously.

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2. **REQUEST BOARD APPROVE A MOTION TO AUTHORIZE THE CHAIRMAN TO EXECUTE AN AFFIDAVIT THAT THE EXECUTIVE SESSION WAS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT.**

**ACTION OF THE BOARD:**

Commissioner Shay moved to approve a motion to authorize the Chairman to execute an Affidavit that the Executive Session was held in compliance with the Open Meetings Act. Commissioner Holmes seconded the motion and it carried unanimously.

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**APPOINTMENTS**

**1. CORE (Formerly CUTS Citizens Advisory Board)**

**ACTION OF THE BOARD:**

Commissioner Shay made a motion to confirm the appointment of Phillip A. Cooper, Sr., to serve on CORE (formerly CUTS Citizens Advisory Board) with a term to expire July 2010. Commissioner Holmes seconded the motion and it carried unanimously.

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**ADJOURNMENT**

There being no further business to be brought before the Commissioners, the Chairman declared the meeting adjourned at approximately 2:48 p.m.

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**APPROVED:** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009

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PETE LIAKAKIS, CHAIRMAN, BOARD OF  
COMMISSIONERS OF CHATHAM COUNTY, GEORGIA

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SYBIL E. TILLMAN, CLERK OF COMMISSION